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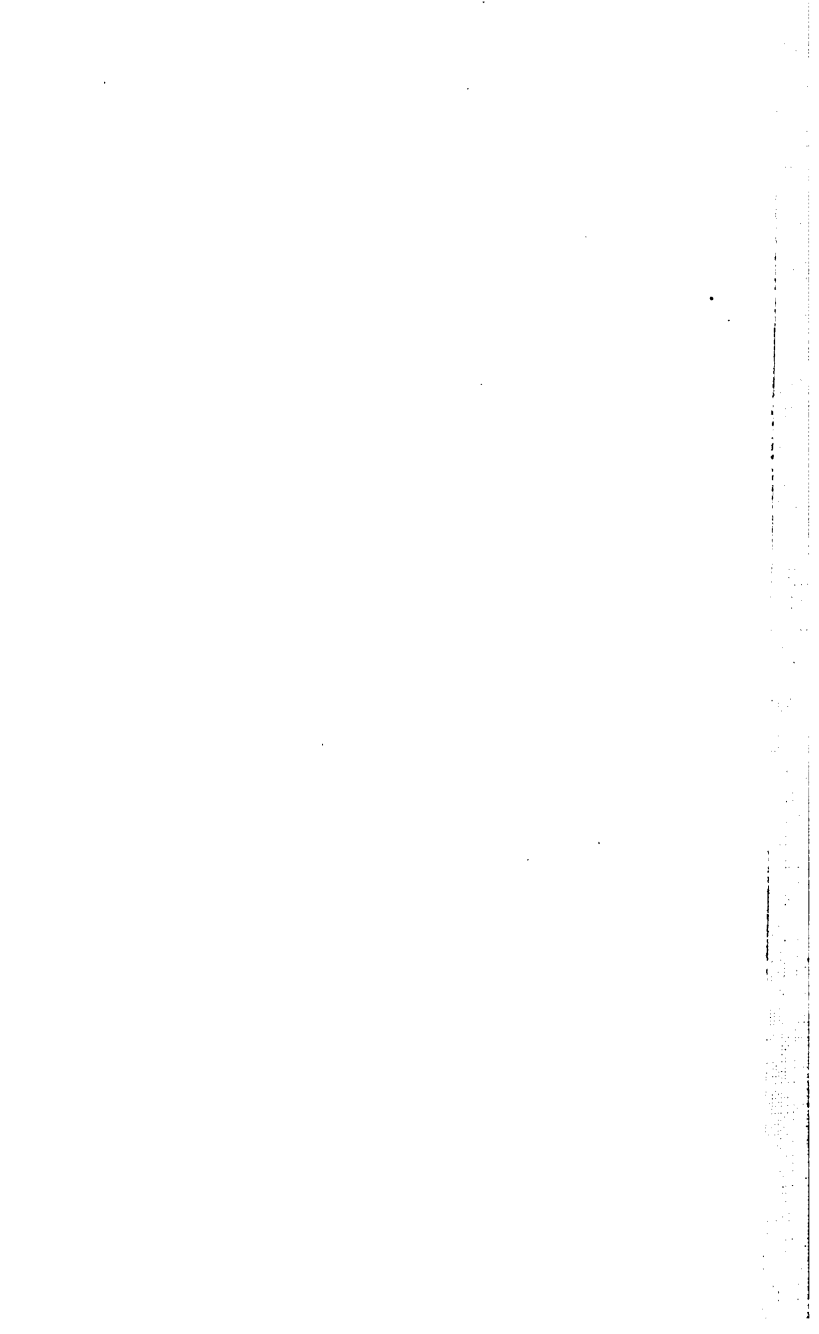
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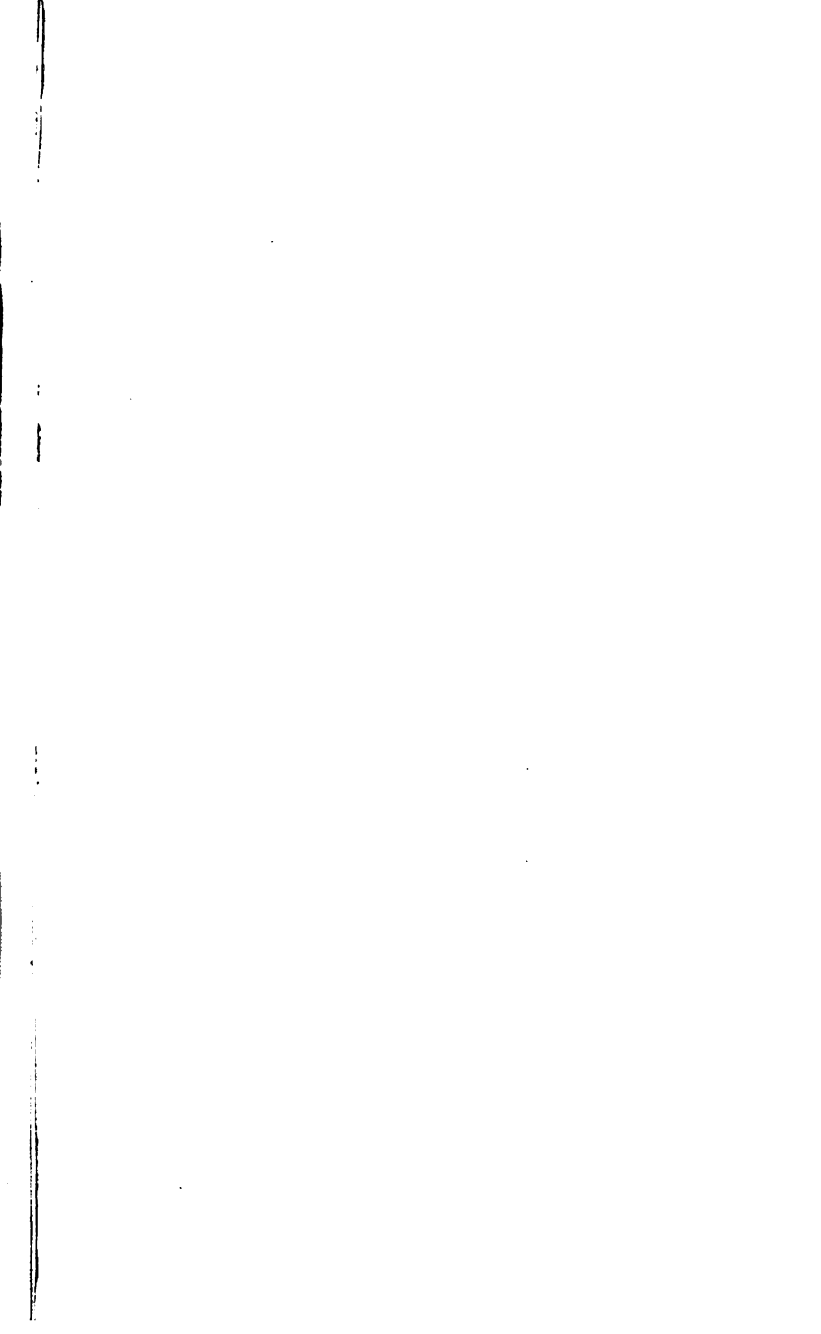


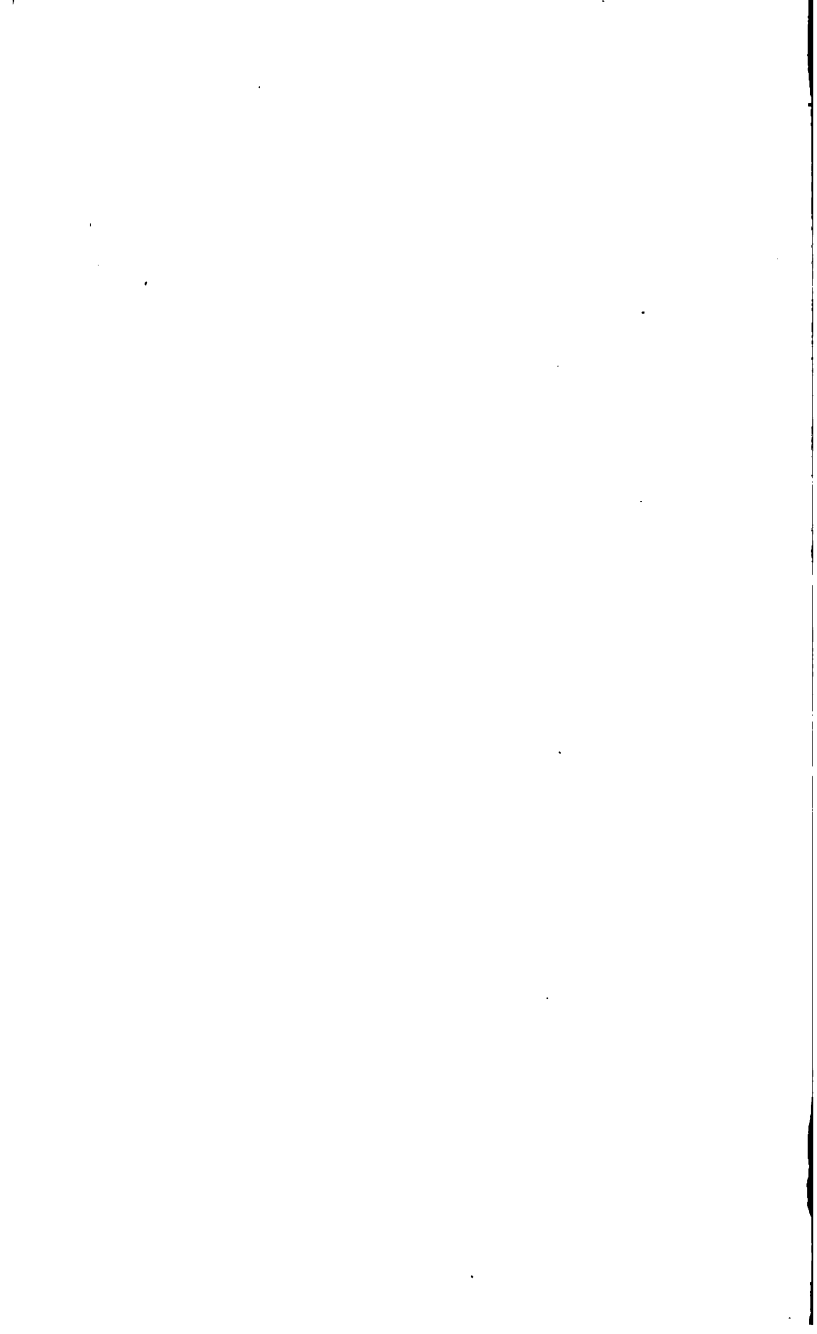
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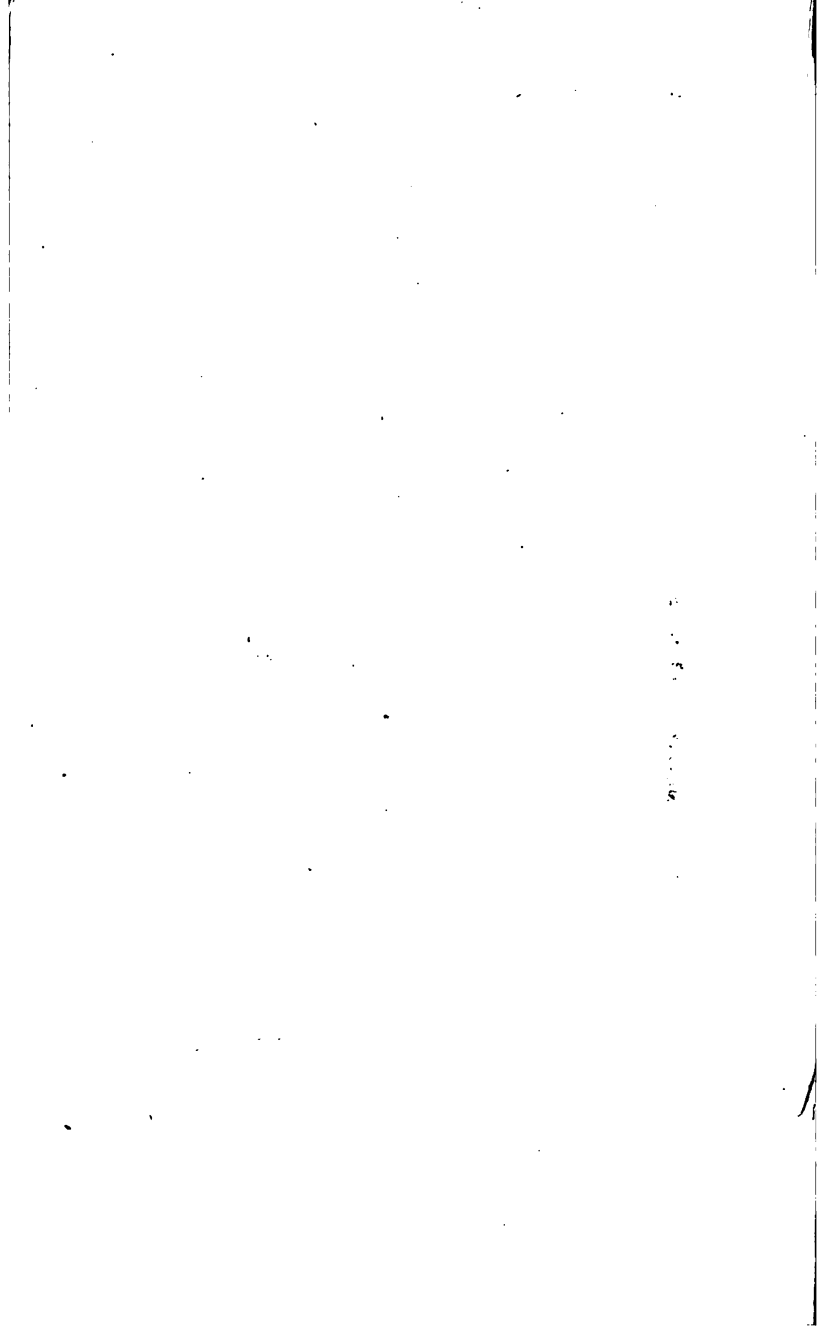
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Le Tien
?



THE ORGANIZATION OF LABOR

IN ACCORDANCE WITH
CUSTOM AND THE LAW OF THE DECALOGUE;
WITH A
SUMMARY OF COMPARATIVE OBSERVATIONS

UPON GOOD AND EVIL IN THE REGIME OF LABOR, THE CAUSES OF
EVILS EXISTING AT THE PRESENT TIME, AND THE MEANS
REQUIRED TO EFFECT REFORM; WITH OBJECTIONS AND
ANSWERS, DIFFICULTIES AND SOLUTIONS.

Pierre Guillaume BY *Frédéric*.

F. LE PLAY,

Senator (of France), Inspector-General of Mines, Commissioner-General to the
Universal Expositions (in Paris) of 1855, 1862, and 1867. Author of
"*Des Ouvriers Européens*," and "*La Réforme Sociale*."

"Les politiques veulent en un État bien
réglé, plus de maîtres à arts mécaniques,
que de maîtres à arts libéraux."

RICHÉLIEU, [*Testament. Politique.*]

TRANSLATED BY
GOUVERNEUR EMERSON, M.D.,
Member of the American Philosophical Society;

*From the French of the Second Revised and Corrected Edition,
published at Tours, in 1870.*



PHILADELPHIA:
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SUMMARY

OF THE PRINCIPAL DIVISIONS OF THIS WORK.

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SUBDIVISIONS, AND MARKS REFERRING TO THEM.

The six chapters are subdivided into seventy-two sections, designated by signs § 1 to § 72. The seventeen annexed documents are placed under the letters A to R. In each division the notes commence with the unit.

The signs, letters, and ciphers, intercalated between parentheses in the text, indicate the connections between one subdivision and another. For example: (§ 5) refers to the 5th section; (§ 39, n. 2) refers to the 2d note of the 39th section; (n. 8) refers to the § in which the reference is made.

(C) refers to Document C in *Appended Documents*.

PRELIMINARY OBSERVATIONS

UPON

THE REFERENCES MADE IN THE TEXT.

THE organization of labor is connected in all its points with the general organization of society. The questions to which it gives rise are complex. They are, in fact, one of the forms of the social problem, and in the seventy-two sections of this work, are, for the most part, presented according to the order indicated by the methodical connection of ideas. The frequent references intercalated in the text (by the aid of signs indicated p. iii.) only point out the connection existing between certain ideas methodically classed in different sections.

Every reader is not obliged to make use of these references.

Those who read the book from beginning to end, need not be interrupted by turning back to examine details already known, or to seek further on for premature explanations.

On the contrary, those only who become interested in the subject treated of in one section may refer with profit to other aspects under which the same subject has been considered in other subdivisions.

PREFACE

OF THE AMERICAN TRANSLATOR.

THE momentous crisis which has lately occurred in France, resulting in the overthrow of the Empire, and subsequent national calamities to an incalculable extent, was an event unexpected by most persons, but clearly foreseen by a few acute observers. Among the most sagacious of these was Mr. F. Le Play, author of the present work, published in the beginning of 1870.* He not only foresaw the dangers to which his country was exposed, and their causes, but dedicated his time and great talents exclusively to pointing out existing evils, and devising measures by which their effects might be warded off. France was then under imperial domination, in a state of peace, exhibiting signs of material prosperity, and still in possession of that military prestige which had long made her the arbiter of European affairs. Our author was at the same time one of her senators, owing his elevation to valuable services rendered the State in most important civil capacities. He possessed that clearness of mental vision, impartiality, and love of truth which enabled him to recognize the derelictions of his countrymen, and the

* *L'organisation du Travail, selon la Coutume des Ateliers et la loi du Décalogue; avec un précis d'observations comparées sur la distinction du bien et du mal dans la le régime du travail, les causes du mal actuel, et les moyens de réforme, les objections et les réponses, les difficultés et les solutions.* Par M. F. Le Play.

ruinous consequences which these, sooner or later, must inevitably bring upon them.

At the close of the first chapter of this book, he says, with evident emotion: "In the midst of the massacres which, in June, 1848, spread consternation among our families, I came to comprehend more fully the urgency of the mission imposed upon all Frenchmen in regard to this momentous subject. I then resolved to lay aside all those studies which had been the delight of my youth, and exert myself as much as possible to aid in preventing a return of such terrible calamities. Since then, everything has tended to attach me still more to this enterprise, in which I have received encouragement from many persons, among whom were some with whom I disagreed in opinion upon certain subjects."

This passage will suffice to show the high and patriotic motives by which our author has been inspired. His singular sagacity is evinced in another passage, enunciating a prophecy suddenly and signally fulfilled but a few months after this edition of his work was issued from the press. After referring to the impiety and profligacy existing in all ranks and conditions of his countrymen, — far exceeding anything to be met with in any other country under European civilization, — and the inevitable tendency of such moral disorder to sap the foundations of material strength and power, he explicitly declared that if France still continued in the path she was pursuing, she must inevitably sink into barbarism, or lose her nationality to the profit of some other race of people better instructed (p. 385).

In the sudden fulfilment of this prophecy by the results of the Franco-German war, France cannot be said to have literally lost her nationality; but she has forfeited that which, to her vaunting spirit, is almost equal, namely, that military prestige which she regarded as her chief glory. In regard to barbarism, the atrocities so recently committed

by the Communists, during the transient lull succeeding the cessation of hostilities between the two great nationalities, cannot be justified by any people claiming to be under European civilization. Where, in this age, has civilization been so outraged as in the recent cold-blooded and deliberate murder of the good Archbishop Darboy and his consecrated brethren?

Our author maintains that the corruption of a people generally comes from the influence of bad examples set by the higher classes, and that in countries under European civilization both the moral and physical degeneracy seem to be in direct proportion to neglect of the precepts laid down in the Decalogue. Those countries, he asserts, in which most respect is shown to the Divine commandments, and where children are brought up under good religious and moral discipline, are precisely those now found enjoying the highest amount of material prosperity, harmony, and power. As conspicuous among these he often refers to England and the United States. Indeed he never fails to recognize the good sense and moral tone for which the Anglo-Saxon race is eminently characterized, and his freedom from prejudice and love of truth lead him to draw comparisons between the two races not very advantageous to his own countrymen.

The blessings derived by a country from material prosperity, our author regards as of secondary importance when compared with those combined in moral order and intellectual power. In this view, those who make estimates of the material resources and power of a country, without reference to benefits clearly derived from moral agencies operating in one way or another, are guilty of a serious omission. Many proofs of this, on a limited scale, exist in the results of associations formed at different times and for various purposes. Nearly all of these, which are linked together by ties claiming to be religious, — but frequently

extremely fanatical and even *outré*, yet still sufficient to bind the members together by a mental cord, — have secured to themselves more or less material prosperity. On the contrary, all the various attempts made, even when assisted by high intelligence and ample pecuniary means, but without the presence of a religious element, or some efficient moral substitute for it, have speedily and signally failed.

Our author, though an adherent of the Roman Catholic Church, is a strong advocate of religious toleration, and believes that emulation existing among different Christian communions exercises salutary effects in promoting the general cause of religion. In most emphatic terms he condemns the intolerance and spirit of persecution which have so often been exhibited by authority of his own Church, and mourns over the irregularities of its clergy, which brought discredit upon them in his own country, with the loss of nearly all their influence over individuals and families. At the same time he highly extols, and points with just pride to the names of many of the French clergy, who in former times, and at the present day, have given a higher prestige to religion.

In regard to the extent of religious oblivion and moral depravity pervading all ranks of society in France, very few persons in our country have the least idea. The causes of this demoralization are clearly exposed by our author, who dwells persistently upon the ruinous consequences flowing from two of the edicts of the Reign of Terror, namely, the law of compulsory division of property at the death of the father (*partage forcé*), and that which prevents reparation in cases of seduction. The reader cannot fail to be strongly interested in the *Appended Documents*, containing the discussions upon these subjects in the revolutionary councils of 1798, and the opinions of many eminent French statesmen and savans. It seems remarkable that, up to

this time, no legislation has been interposed to relieve the nation from the effects of edicts imposed by such perverse councils.

The American reader cannot fail to notice the analogies existing between many of the established institutions and usages of his own happy country, and those recommended by our author for imitation by his fellow-citizens. The Social Authorities, on whose local influence and activity he mainly depends to protect private morals and secure public order, have their fac-similes in the selectmen of our Eastern States, and nearly everywhere else in men enjoying most esteem in their several localities, whose good examples, virtues, and capacities recommend them to the confidence of their fellow-citizens. Such men, in fact, constitute our social hierarchy and highest order of nobility, with titles derived from their own merits, and capacities to render good service to society by maintaining at the same time good order and healthy activity.

Whilst deploring the general absence of local autonomies in France, our author advocates the plan of leaving the several localities—wherever the conditions of things in these will admit of it—unshackled by State authority, or direct or indirect interposition of public functionaries. In our own country, and during the existence of peace, the authority of the State is even more imperceptible than were the laws of France in the days of Montaigne (p. 89, note 10). Federal authority has been so little felt, that until lately it had, come to be almost regarded as a myth, whilst that sacred document which guarantees our rights and privileges was sneeringly called “a rope of sand.” Even those who did not carry their disparaging notions of our institutions so far, and acknowledged the just principles upon which our Union was established, still regarded our form of government as incapable of that prompt action required in great emergencies, especially the exigencies of war. All these serious apprehensions and

erroneous conclusions have been, however, recently dispelled by the concentrated power successfully developed by our great republican empire, enabling it to subdue a rebellion so formidable, that history gives no account of a similar one ever having been suppressed. The admiration excited by this event has been increased by the rapid subsidence of so great a commotion extending over a whole continent. Well may our author point his countrymen to political and social institutions which have been so productive in great and happy results in both peace and war. With such an example presented to his view, well may he deplore the condition of affairs in his own country, even those which existed in the apparent halcyon days when the present work was given to the public!

It will be perceived that our author's views of democracy are at variance with those entertained by his compatriots Montesquieu and de Tocqueville. He evidently thinks a popular form of government entirely unsuited to France under her present conditions. Though deprecating the tyranny exercised by absolutism, he holds in still greater horror popular tyranny, like that exhibited in the Reign of Terror, and subsequent outbreaks of the people. Such manifestations of fiendish outrage have naturally tended to make him chary of giving any approval to democratic institutions, strictly so called. Constitutional monarchy with local liberties is evidently his beau-ideal of a government, and England his model. In his 6th chapter (§ 69) he has presented to his countrymen many details of this form of government. To solve the problem of constitutional liberty in England required many centuries of gradual reform, and our author thinks that his countrymen are not at present in a condition to adopt, in full, institutions, however desirable, but which must require preliminary reforms. With certain reservations, he is a great admirer of the institutions and manners of our own country, with the history of which he is

intimately acquainted, as is evinced by citations from the laws of our smallest States, Delaware and Rhode Island. He has a high appreciation of the great capacities and virtues of the founders of our institutions, but at the same time thinks evidences are perceptible of decline, since these great men have been taken away. Those among us who cherish such sanguine hopes of future national prospects, will be rather surprised to learn that, in the estimation of others, we may be finally outstripped by our promising neighbor, the Canadian Dominion (§ 70), the institutions of which our author thinks combine the best elements of old French usages associated with the best laws and customs of the Anglo-Saxon race at the present day.

The plan of investigation pursued by our author was pronounced by M. Dupin before the French Academy a model of method, the main object of the work being to show the conditions of material and moral order existing in the societies of our own times. The several chapters give descriptions of the manners and institutions which have been attended with most success among the most prosperous nations, the causes which have produced partial decline in France, and those which obstruct reform by imitation of good examples furnished by other countries. In a summary, the author refers to the modifications in manners and institutions necessary to be introduced as preliminaries of any general reform. In treating his several subjects, he has presented novel views with a mathematical spirit, and in establishing his points given his own opinions with singular moderation.

He has applied his principles to the solution of problems affecting the interests of individuals, associations, and of entire nations; for the prosperity or ill-success of all these depends, either directly or indirectly, upon the organization of labor directed to the various branches of industry. In treating of the conditions of these, and the influences

to which they have been subjected in the various ages; Mr. Le Play has thrown in, here and there, especially in numerous marginal notes, beautiful glimpses of history, with many interesting anecdotes illustrating the manners and customs of "Gay France" during her infancy, in the dark ages, her days of chivalry, and in the successive periods of her prosperity and decline, down to the present day, with the chief agencies operating in each epoch. The subjects thus brought into view are not simply interesting, but of the highest importance to all reflecting people, to whom they convey precise notions relative to the agencies concerned in developing and propagating those individual and national vices, so often disregarded and connived at until they have become sufficiently formidable to sap the foundations of society at large, and bring destruction and humiliation upon entire nations.

Whilst living under political and social institutions admitting of the fullest enjoyment of freedom compatible with the necessary restraints imposed by civilization, and free from the influences of pernicious laws existing in other countries, we are by no means secure from the invasions of error and evil insinuating themselves under all their protean forms. The very prosperity, of which we have so much reason to be proud and grateful, naturally conduces to the development of that wealth which fosters vice by furnishing it a proper medium, as has been already shown, chiefly in some of our large cities. The vice is rarely of native origin, but directly imported from foreign countries which it has contributed to ruin. We should not flatter ourselves with being proof against that depravity of manners which we find has exerted such disastrous influences over other lands. Living in a state of comparative innocence, which has often provoked the ridicule of foreigners, we are frequently brought unknowingly into contact with corruption under the most alluring forms, and unsuspectingly

made its captives — fathers, mothers, and children. This in most cases is less the result of depraved taste than of want of proper forethought. May my countrymen heed the warnings given in the pages of this volume, to all countries which are in danger of losing their respect for religion, and regard for the salutary restraints imposed by morality. The familiar but forcible maxim, “ Evil communications corrupt good manners,” is equally applicable to-day as it was in the time of St. Paul, and at all times before.

History marches rapidly in France. When this book was written, the Bonaparte dynasty had fair prospects of continuance: a little while later, and before this translation was complete, the Napoleonic line of sovereignty had been swept away, and the noble monuments by which it was commemorated thrown down. France, to-day, claims to have liberated herself from absolutism, and established a republic. This form of government, if continued, must make her, more than ever, a thorn in the side of European monarchies. May it afford an opportunity for the introduction of reforms, of various kinds, so much needed, and so urgently solicited by our author.

PHILADELPHIA, *August*, 1871.

AUTHOR'S PREFACE.

IN 1858, and again in 1868, the Emperor was pleased to consult me on the subject of the disorder and antagonism which, since 1830, have invaded the places of labor in Western Europe. On each occasion he seemed pleased to learn that many large establishments existed in France and other countries in which harmony and prosperity were still maintained, and that by imitating these models, the disorders referred to might certainly be remedied without recourse to panaceas recommended by temporary reformers.

The Emperor saw that the true organization of labor was founded upon Custom, and the established usages of the model manufactories (§§ 19 to 25). But in referring to the advice of some legislators, and to the prevailing opinion of the country, he was led to entertain doubts in regard to the actual causes of the existing evils (§§ 26 to 32), and the measures necessary for their reform (§§ 33 to 37). He saw, therefore, with satisfaction, that, by a free discussion of the subject, the objections opposed to reform might be answered, and the difficulties in the way removed.

In 1864, I made my first attempt to comply with the wishes of the Emperor (R). To-day I renew the

effort, with another object in view, and with limits better defined.

In this new work, as in that which preceded it, I take my point of departure from a fact founded upon experience and reason.

Two centuries ago (§ 17), through the instrumentality of people living in the enjoyment of wealth and leisure, and of sceptics, and the literary and governing classes, error was inculcated throughout the nation, — which caused the extinction — for the most part without posterity — of certain families of all ranks, devoted to agriculture, the useful arts, and commerce, which had prospered and perpetuated themselves under the salutary influences exerted by Custom and the Decalogue.

These families, even when occupying the most humble situations, possessed the most useful of all sciences — that which secures to mankind union and harmony. They were all recognized by the same characteristics, and exercised over their colaborers and neighbors that legitimate authority which is derived from respect and affection. These may justly be styled "The Social Authorities" (§ 5), and they everywhere, among prosperous people, control the affairs of private life (§ 67), and local government (§ 68).

The families which occupied this situation in France, during the epochs of her prosperity (§§ 14-16), have been destroyed or greatly reduced through the despotism of sovereigns and corruption of courts, and subsequently by persecutions carried on in the name of the people. New families were however raised up by the aids of industry, talent, and virtue,

of which qualities no other European country has furnished finer examples (§ 18). These new families performed the parts assigned to them in all prosperous communities, and would soon have re-established prosperity and harmony in France, had they not been forced into incessant disorganization through the operation of two edicts passed during the Revolution (§§ 42-49), and domineered over everywhere by public functionaries (§ 54). The restoration of the natural authorities might finally have led to a new era, which could not open in 1789, and without causing any shock, have re-established the happy social conditions which had been successively destroyed through the corruption of the ancient regime, and subsequent violence of the Revolution. As in the seventeenth century (§ 16), the benefits derived from social harmony were well calculated to inspire the minds of the people with favorable impressions towards any dynasty which would introduce reform (§ 72.)

I shall frequently have occasion to revert to this fact, in proving the sterility of the changes which have been made since 1789, in the forms of sovereignty (§ 8, n. 12 to 14), with a changeableness of views and methodical persistence which may be aptly compared to the periodicity of the seasons. The high object which we seek to attain, is very near to each one of us. It will be necessary to return to those institutions which were successful in securing prosperity to our ancestors, and which still secure it to nations holding the first rank in European civilization (§§ 62-66). Whilst adhering to our present forms,

society must be re-established upon its eternal bases, namely: domestic life upon the discipline of the fireside, the workshop, the parish, and the corporation (§ 67); local government left to the direction of the departments of rural affairs and city commune (§ 68); central government founded on the province and the State (§ 69). In a word, it will be necessary to reform all the institutions which have not been changed since the Reign of Terror (§ 37).

In this book, as in those which precede it, I have presented no new facts, but confined myself to a more modest part. Penetrated at first, like all the young men of my time, by the errors prevailing in France, I have been forced to return to the truth. To this effect I have made extensive journeys in search of the Social Authorities residing in their own establishments, limiting my mission to an exposition of the facts obtained directly from them. I might have attained the object sought by the Emperor, by merely giving a *résumé* of their usages and opinions.

The subject of my investigation remains more than ever open; for the present work, containing only such observations as have been already collected, offers the best means of completing them. I therefore renew my appeal to the Social Authorities of France, and of other countries, requesting them to point out the results of their experience in regard to subjects which I have not sufficiently illustrated. Above all things, I desire information in regard to those modes of private and public life which contribute most to the maintenance of general harmony, under regimes of constraint as well as under those in which the

fullest liberty prevails (§ 8). With due respect to their authors, I will examine all the documents they may send me, and render an account to them in another edition.

The respectable members of the firm engaged in getting out the present edition of this work,* are themselves followers of Custom, as applied to the organization of labor, and in their own case afford an example of its beneficial effects (Q). In this publication they have recognized a new mode of repelling dangerous errors, by the propagation of true principles in regard to the organization of labor. Adopting the rule which I have always observed, they have voluntarily offered to devote the profits accruing from their enterprise in some way calculated to promote the cause here advocated. Those men who perceive the dangers at present pending over Europe, and the urgent necessity existing for reform, will be able to recognize the importance of our efforts. May I venture to hope that they will extend to us the aid of their approval and co-operation, by helping to spread abroad what truths may be contained in this work, giving these a new and still better light; and, lastly, by encouraging a more methodical and efficient system of propaganda.

** Alfred Mame et Fils, Libraires-Editeurs, Tours.*

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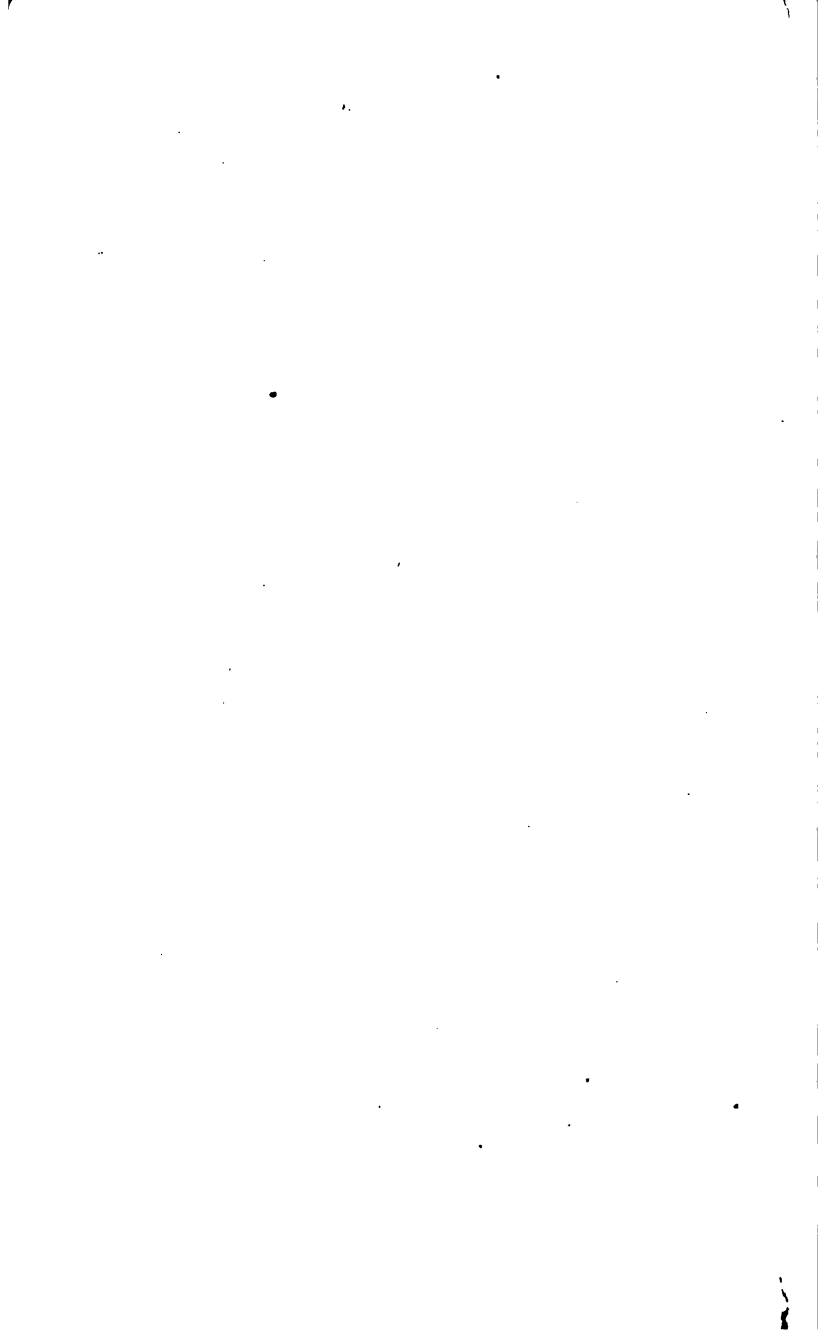
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ORGANIZATION OF LABOR.

CHAPTER I.

DISTINCTION BETWEEN GOOD AND EVIL.

§ I.

NECESSITY FOR A PREVIOUS DEFINITION OF GOOD AND EVIL.

THE rules essential to the organization of labor in all places where it is carried on, are, in most respects, blended with the general principles entering into the constitutions of all societies. I shall, therefore, in the course of the present work, be often led to refer to such of these principles as are most discussed at the present day—an obligation particularly imposed upon me in this first chapter.

But in this chapter, as in those which follow, I do not propose to extend my observations beyond the ordinary questions or general views, connected with geography and history, that are strictly indispensable to the illustration of my subject.

The universal interest excited in Western Europe, in regard to the labor question, proceeds especially from the evils existing in the organizations of many of the places of labor, tending to disturb social order. But, at the present time, these evils are less extensive than is generally supposed by those suffering from them; and I warn the reader against drawing those general conclusions too often in-

dulged, even by those among us who have the facts under their own eyes

The two extreme regions of Europe stand in strong contrast in regard to the organization of labor and the relative positions which employers and workmen hold to each other. In the East,¹ one rarely witnesses intestine dissensions in places where labor is applied to agriculture, enterprises connected with developing the products of forests, mines, the manufacturing and commercial pursuits, and generally to all the common arts.²

Harmony is maintained in these by adherence to certain usages equally respected by employers and workmen. Many of the manufacturing establishments in Western Europe maintain a state of harmony; others, on the contrary, are met with which discard tradition, and fall into a state of antagonism fraught with no less danger to the nation than to individuals and families.

Disorder cannot introduce itself among those who carry on the common pursuits of life without extending to classes devoted to the liberal arts, especially those dependent upon mental exertion. These last, however, are often the classes which, by their errors and vices, take the initiative in corruption, and retard all progress toward reform—a fact which has given origin to a principle enounced by a great statesman in his political testament.³ These fatal influences

¹ See, at § 9, the definition of East and West, and also of the central region which separates them.

² Under this last-named head (*les arts usuels*) I include all kinds of labor performed with the hands, by machinery, or by the application of natural agencies, to develop, elaborate, and supply most of the materials needful to man. I apply the term factory (*atelier*) to designate the place where any kind of mechanical work is carried on under the direction of a superintendent or chief.

³ See, in the motto of the present book, the original words of the passage taken from a work of the famous Richelieu. [We give the following translation of this epigram: "In a well-constituted State, the true policy is to have more masters of mechanical arts than masters of the liberal arts." — AM. TRANS.]

prevail at the present time in France (§ 17) more than in any other country in Europe, deriving their chief source from the ruling and literary classes; and, in connection with the pernicious characteristics forgotten during eight centuries (§ 14), they have brought on that decline in morals which existed in the ancient regime, and that instability occasioned by the revolutions of our own time. If the evils existing in the establishments for labor are not so serious or profound, they have become much more formidable from furnishing, as they do, the personnel and means of support to our periodical revolutions.

Having described, in a previous work, the general characteristics of two groups of professions,⁴ I am led, in accordance with the request of the Emperor, to direct special attention to establishments devoted to the common arts. It is these which furnish the best opportunities of observing the practical workings of organized labor.

In the work to which I have just referred, I have often alluded to the connection subsisting between two facts, namely, social antagonism in the factories, and disorder among the people, wherever there is an abandonment of those usages pursued in prosperous establishments; a return to those good usages being sufficient to remedy the disorders. The abandonment of good usages almost always results in forgetfulness of principles, so that to produce reform in individuals and institutions, it first becomes necessary to appeal to the sentiments. In what relates to good and evil, I have come to the conclusion, that it is important to recall to the minds of the people in Western Europe, wherever social discord prevails, many of the primitive ideas and principles which have been handed down by tradition and Custom.

It is to an exposition of these ideas that this chapter is

⁴The common arts, and the liberal arts.—*Réforme Sociale*, t. ii. pp. 19, 20.

devoted. I have only presented a summary of the subject, without giving the details contained in my former works.⁶ Some observations will always be added by way of introductions to the following chapters.

§ 2.

GOOD AND EVIL IN THE FACTORY.

In the midst of the diversity existing among men and things, the best organization of labor is always recognized by the presence of certain principles, and, still more readily, by the preservation of certain traditional usages. In many parts of Western Europe, these usages become comparatively rare; but they often manifest themselves to travellers who study Europe thoroughly, and more especially to one who has imposed upon himself the duty of visiting and sojourning among families of all ranks and conditions connected with the most noted manufacturing establishments. The best specimens of these families live in possession of physical comfort united with intelligence and moral worth. They possess all the stability which comports with human nature, and, in their relations with each other, exhibit a state of perfect harmony. This happy condition manifests itself by very strong indications. The individuals are contented with their lot, and attached to established order. The working classes in particular show a strong repugnance to all change; so much so, that it becomes sometimes necessary for the leading classes (§ 3)

⁶ *Les Ouvriers Européens*, (O;) and *La Réforme Sociale*, (R.)

[The comprehensive term Good applies to everything calculated to administer to the health, rational pleasure, and existence of the human family, and to the most successful means employed in the prosecution of processes connected with the industrial arts or other useful pursuits of life.

Evil signifies everything which exerts a prejudicial influence upon the health and material welfare of the human family, or which tends to deteriorate private and public morals. — AMERICAN TRANSLATOR.]

and social authorities (§ 5) to create among them a taste for useful innovations. Opposition may sometimes be met with from some perverse individuals. But such cases are purely incidental, and are soon frowned down by those interested in the preservation of good order.

In such an organization, the harmony in the factory does not always extend to the province and the State (§ 69). But whenever the governing classes become excited, and political discord prevails, this does not penetrate into the personnel of labor. The workmen generally espouse the cause of their employer, and group themselves around him for his protection.

When the working classes remain unaffected by the disturbing influences of political passions, the merits of the social system are always apparent to the traveller by the wholesome aspect presented on every side, and the preservation of order without the intervention of an armed force. The local police is intrusted to agents who, as a sign of authority, merely display an inoffensive ensign.¹ The service of such an individual agent is sometimes entirely dispensed with by setting up the ensign here and there where it may be seen by the people.²

When thrown into disorder through the errors and corrupt habits of bad men, the places of labor present characteristics the very reverse of those just described.

The families show discomfort and restlessness. Those co-operating in the same kind of work are excited by a spirit of opposition. This same scourge often leads to a separation of those whom God, in his goodness, has united

¹ This usage is frequent in many European States, and particularly so in most of the rural districts of England and Scotland.

² Such is the custom in Biscay, where one often sees a vacant chair or seat, with a lance planted in the ground before it — an ancient emblem of authority. This suffices to preserve order among the people, as well as if a magistrate were present. (*Mémoire sur la Biscaye*, par M. de Trueba, archiviste de la province.) — *Société d'Économie Sociale*, (P.) *Bulletin*, t. ii. p. 267.

by the strongest of all ties — husbands from wives, fathers from children, masters from servants. People who are thus aggravated by suffering and estrangement take no interest in things by which they are surrounded. They are dissatisfied with their situation, and always eager for some change.

When, through rivalry and antagonism of the leading classes, civil war is provoked, the workmen in this condition always take sides against their employers. In cases where public peace is not openly disturbed, internal discord sometimes ceases to be apparent, but is, nevertheless, always ready to break out openly whenever some fresh agitation comes to disturb the deceitful calm. This lamentable condition of society reveals itself to the traveller everywhere by the presence of a military local police.^a The habitual absence or presence of a military force in divers parts of the same empire are the surest signs of the acknowledged distinction subsisting between good and evil. Thus, in the rural parts of England and Scotland, constables charged with enforcing local police are only furnished with a small stick. In places thronged by the manufacturing classes of those countries (§ 29), some additional concealed weapons are allowed them. In Ireland, the police is openly armed, like the sergents de ville in Paris, and the rural gendarmes throughout France.

§ 3.

THE PERSONNEL OF LABOR AND OF THE LEADING CLASSES.

To finish the definitions of good and evil, I shall here give some explanations relative to the distinction which I

^a When evil is pushed to its last limits, so as to defy the power of an unarmed police to suppress it, an organized military force is not merely an auxiliary to governments, but a prime necessity for maintaining authority. This condition of things existed during the decline of the Roman Empire. It appears to have been reproduced in Spain at the present time, (1870.)

have incidentally made (§ 1 and 2) between the controlling classes and the personnel connected with the places of labor.

As before stated (§ 1), I shall in this work devote special attention to the situation of those connected with establishments engaged in carrying on the common employments. These, in truth, everywhere constitute the mass of a nation, and impress upon it the distinctive characteristics of that social constitution resulting from the relations maintained between the working classes and the upper and leading classes. By the last-named title I designate all those persons (too many — strangers to what is done in the factories) who exert a controlling influence over society, whether by formal authority derived from public sources, or through moral influences handed down by tradition, or from wealth, talents, or virtuous example. In all that relates to good and evil, there exists nearly everywhere a strong contrast between the two classes here referred to.

People living in a state of barbarism, painfully provide for their necessities; and, to this end, have recourse to the rudest employments, and very often to means violating, more or less, the laws of morality. Such people are almost entirely absorbed by their pursuits, and remain in a state of abasement, unless raised from their inferior position through the assistance of some individuals, generally strangers, who have acquired authority by the exercise of talents and virtue.

Civilized people, under the influence of directors worthy of their situation, present, at distant periods, the masses elevated to a high standard of virtue. From the beneficial influences exerted by Custom and the moral law, places of labor have been brought to a high state of perfection, with populations living in the possession of all the conditions necessary for physical, moral, and intellectual enjoyment.

The nation, at the same time, attains to a higher degree of power—thanks to the assistance derived from the leading classes incorporated with the race, and coming from family stocks brought up under moral training, and rendered prolific through the exercise of labor. But in proportion as prosperity becomes developed under such influences, it tends to limit itself through the bad influences engendered by wealth and pride. The depositaries of political and religious authority, chosen generally from the wealthy class, are usually the first to propagate evil; for it is owing to the influences of wealth and authority that vicious habits grow up, to scatter their seeds upon the public at large.¹ The depraved upper classes abandon themselves to all kinds of irregularities, inspired by their sensual passions and selfish interests. Seized now and then by a kind of vertigo, they yield, in contradiction to their most evident interests, to the propagation of error and destruction. We then find them, in their speeches and writings, as well as by their actions, sapping the foundations of religion, the family sentiments, the traditions of the Church, and, in general, destroying or perverting all the moral agencies which had before contributed to strengthen the foundations of society. The European courts exhibited these sad conditions throughout the entire eighteenth century. They thus provoked that social cataclysm of which the French Revolution has furnished the most bloody episode, and the reaction from which has been felt, more or less, through all parts of the Continent. In fine, the aberration is sometimes pushed to a point in which law itself has made unrelenting war against property, family rights and religion, and in spite of the wishes of individuals, has persistently provoked the disorganization of society. During the last eighty years,

¹ Those who have recognized the truth of this remark, will find its point enunciated in the trite proverb: "The fish begins to spoil at its head," (*C'est par le tête que pourrit le poisson.*)

such a succession of evils has been imposed upon France by the Reign of Terror (E). Under the pressure of a law executed by an army of public officers (§ 46) impelled by bad passions (D), the idea of property was so misconceived as to be made to imply only a limited personal enjoyment or privilege. It was thus, especially, that the inheritors of firesides, homesteads, and places of labor no longer found themselves attached to them by any duty; nor to the workmen and servants who had lived with them; nor even to their own families or country. Under the empire of this anti-social regime, all the young men of a family belonging to the leading classes demand the property by virtue of an absolute right of birth—a claim more general and more shameful in its effects than the ancient law of primogeniture (§ 43). There is, therefore, no room for astonishment when the laboring classes are seen separating themselves from the owners of the workshops, who performed no work themselves; or when they manifested contempt for those who only saw in the products of their establishments the means of living in idleness and debauchery; or, in fine, when this contempt was extended to the proprietor so as to engender, in regard to his right and possessions, the craving spirit of communism.

Moreover, the exercise of public power, even when this is not accompanied by wealth, has always a corrupting tendency wherever there is an absence of a sufficient counteracting moral force (§ 8). Its destructive influences are especially witnessed among the classes living in idleness and luxury. Neither does it fail to pervade the classes who live by the labor of their hands, when, in a great nation, its institutions confer upon them, over and above what relates to their immediate concerns, certain attributes of sovereignty (§ 69). Thus we see in the United States that the electoral franchise, in deviating from local usages that had been confirmed by law (§ 60, n. 24), has

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glided to the verge of absolute universal suffrage. Threatening proscription more and more to men of wealth (§ 60, n. 26), it contributes, no less than the abuse of riches, to the corruption manifested in all parts of that great empire. Thus the influences which impel prosperous nations to evil vary more than those which lead to the reformation of suffering communities. In a degraded population, the mass devoted to manual labors will not know the means by which they can be reformed without the advent of some new controlling class. But, with a prosperous people, the influences which impel to evil may also contribute to promote corruption. I shall take occasion to introduce two examples in illustration of the diversity of these influences. In England, the personnel of labor has, in fact, disorganized itself by abandoning Custom, and thus placing itself without the pale of morality (§ 29). In France, on the contrary, Louis XIV. and his successor, by violating the moral law, in the first place corrupted the directing classes; these afterwards gradually demoralized the personnel of the workshops (§ 30). The public concubinage which now desolates the Parisian workshops,² is the direct product of the system of adultery instituted with éclat at the court of Versailles (§ 17).

In Western Europe, the populations in our days are undergoing a great transformation. Social antagonism, the most redoubtable symptom of national disease, developed itself formerly (§ 14), at distant periods, among the higher orders of society. Now it also invades the workshops, with all the appearance of remaining permanent. For the people of this region the result of this seems to be a weakness, which cannot attract too much attention from those who have the management of affairs. Seized by a kind of vertigo, all the great nations of our continent experience to-day the invasion of evil. The people living in pros-

² *Les Ouvriers des Deux Mondes*, t. ii. pp. 145-192.

perity, and who should be the directors of public opinion, become themselves more and more divided in opinion; while an understanding, without precedent, exists among all those who favor the overthrow of all established social order. Inflated with pride by a condition of prosperity due to traditions (§ 14) which they now despise, the leading classes forget the salutary admonitions given by the precepts of religion and the teachings of history (§§ 12 — 17). This moral decline is especially provoked by a new kind of error, deriving its support from the pretended doctrine of absolute progress (§ 58) — signaling the coming of an indefinite era of prosperity, for which the people are to depend upon a blind destiny, without being called upon to merit it by devotion, personal sacrifice, or patriotism.

§ 4.

THE CUSTOM OF THE WORKSHOPS AND THE LAW OF THE DECALOGUE.

Corruption generally comes from the governing or superior classes (§ 3); it may occasionally derive its principal source from persons connected with the establishments for labor. In the last case, the evil may have been propagated either by the proprietors or workmen. But in whatever way it may have originated, the evil has, in truth, but one main cause — the transgression of the moral law.

The best expression of the moral law is the Decalogue of Moses,¹ completed by the Evangelists. The people who

¹ Les dix commandements de Dieu: I. Je suis le Seigneur votre Dieu, qui vous a tirés de la terre d'Egypte, de la maison de servitude. Vous n'aurez point d'autres dieux devant moi. Vous ne ferez point d'images taillées, ni aucunes figures, pour les adorer, ni pour les servir. — II. Vous ne prendrez point le nom du Seigneur, votre Dieu, en vain. — III. Souvenez-vous de sanctifier le jour du Sabbat. — IV. Honorez votre père et votre mère, afin que vous viviez longtemps sur la terre. — V. Vous ne tuerez point. — VI. Vous ne commettrez point de fornication. — VII. Vous ne dérobez point. — VIII. Vous ne

show the most respect to these commandments, are precisely those who enjoy in the highest degree competence, stability, and harmony. In carrying on the useful arts under the influences of these divine laws and precepts, the best organization of labor is everywhere effected—that organization which, par excellence, may be called the custom of workshops, or, as used in this work, simply Custom. The skeptics who, during three generations, have opposed the existence of any religious principle, have generally united in acknowledging the great excellence of the Christian doctrines.² New teachers have, however, treated these doctrines with contempt; but they speak in the name of a science which expressly declares that, in regard to matters concerned in promoting the welfare of the human species, no account is to be taken of reason or morality (§ 39).

The nature of my subject often leads me to consider the intimate relations existing between the preservation of order and the observance of the Decalogue—between the

porterez point de faux témoignages contre votre prochain. — IX. Vous ne desirerez point la femme de votre prochain. — X. Vous ne desirerez point sa maison, ni son serviteur, ni sa servante, ni son bœuf, ni son âne, ni rien qui soit à lui. — *Exode* xx. 2–17.

[This is the text of the Decalogue given by M. Le Play, and we have retained it in the French language, so as to enable any one to compare this important part of the Scriptures as interpreted in the versions respectively adopted by Catholics and Protestants. — AMERICAN TRANSLATOR.]

² P. J. Proudhon, who has published such profound errors in regard to religion and social science, has been more favorably inspired while analyzing the Decalogue. This he reduces to seven groups of virtues and duties, and afterwards concludes in the following words: "What a magnificent symbol! What philosopher, what legislator, like this one, has ever established such categories, and known how to fill up the list! Among all the duties proper to a man and citizen, search for something not included in that (Decalogue), and nothing will be found omitted. On the contrary, if you will somewhere find me a precept or single obligation irreducible to this measure, I will promise to show such precept or obligation out of the limits of conscience, and, consequently, arbitrary, unjust, and immoral." — *De l'Utilité de la Célébration du Dimanche*.

practices essential to custom and the moral impulses from which they emanate. I have therefore endeavored to simplify these relations as much as possible, and for this purpose have habitually grouped the precepts of the Decalogue under two principal titles, namely, respect to God, and respect to parents and to woman (1st, 2d, 3d, 4th, 6th, 9th commandments); interdiction of homicide, robbery, and false testimony (5th, 7th, 8th, and 10th commandments). This distinction seems to be observed in laws passed in some European countries. The legislation which has created the strongest races, has imposed, under severe penalties, the practice of the entire Decalogue (§ 8). But in France, since the Revolution, the domain of the penal code is almost entirely limited to the commandments included in the second group. The tendency thus exhibited is not what is found among the people who enjoy the highest prosperity, especially in regard to the respect due to woman (§ 48). But the severe proofs of experience will, sooner or later, bring us into better practice. In this matter, as in all others, the extension of liberty is only justified when it shows itself compatible with material prosperity and moral order.

§ 5.

THE SOCIAL AUTHORITIES THE GUARDIANS OF CUSTOM.

People rise with difficulty to the highest degrees of prosperity and harmony. Those by whom such advantages are attained, experience still more difficulty in preserving themselves from the corruption which emanates from the possession of authority and wealth.

Populations devoted to manual labor generally oppose a stronger resistance to the invasion of these plagues than other classes. The principal centres of resistance are found in workshops the proprietors of which have in times of degeneracy faithfully maintained the Customs which pre-

vailed in times of prosperity. Those who possess the wealth, talent, and virtue necessary to accomplish this mission—those who, by their personal superiority, counter-balance the corrupting influences of governments, and of the idle rich—those men, I say, have a full right to be called, *par excellence*, *social authorities*.¹ The customs regulating the workshops stand upon still more solid bases, when the moral law is strongly rooted, not only with the proprietors, but with the workmen.²

These authorities, as I have been able to prove in the course of long journeying, are to be recognized in all places by the same characteristics. They religiously preserve the Customs of their ancestors, to transmit them to their descendants. They are united with their workmen by ties of affection and respect. In all countries, and in all professions, they not only follow similar practices, but they decide in the same manner the principal questions which, in our day, give place to endless discussions, and, by establishing harmony of opinion, present the most sure criterion of the reign of truth. After having resisted, better than the rest of the nation, the corruption propagated by the governing classes in the epochs of depravity, they are, in the epochs of reform, their best auxiliaries. The social authorities also carry their influence outside of their workshops, and always hold an elevated rank in private associations devoted to the good of the public, in the parish and in the local government, where the people enjoying liberty make good use of them (§§ 67, 68). They are also recognized by the traveller from the esteem and gratitude shown toward them by the people.

The social authorities are not only found in places where

¹ Such characteristics existed in the rural workshops and manufactories of Europe during the eighteenth century, up to that sad epoch when Louis XV., George II., Joseph II., Catherine II., openly violated the Decalogue, and spread corruption around them.

² *La Réforme Sociale*, t. iii. p. 246, note.

manufacturing is conducted on a large scale, but they are also met with in small establishments wherever the influence of family ties is maintained. The father, who is also the proprietor, is associated with a married son, living with him in the same house. He associates with these, as workmen, his single relatives who were attached to the ancestral firesides, the grown children who have not yet established themselves in business, and, if necessary, attendants and apprentices in the quality of domestics. The middle age, in which the most solid institutions of the present day existed, created, with equal success, the social authorities of the large and small workshops (§ 14). Since then, types of these have been preserved, modified by the necessities of the times, when not systematically destroyed by monarchical or popular tyranny. In agriculture, as in manufacturing industry, they abound with the people where the governors and leading classes preserve any respect for individual and public liberty (§§ 67–69). In fact, the invention of a great number of ingenious tools, the use of coal and steam-engines, and the growing importance of extensive international commerce, are mainly owing to the great manufactories, the enormous products of which have made up the commerce of our times. But the smaller workshops have also performed an important part in the extension of labor.* In France, excellent models of these have resisted the corrupting influences exercised successively by the ancient regime in decline and the Revolution (§ 17). With us, as in Germany, certain rural districts, far removed from cities and great highways of com-

* Thus, for example, in the middle of the immense developments made in Paris by the manufacturing and commercial industries, the small domestic workshops were found far more numerous than the larger working establishments. In 1860, out of 101,170 workshops reported by the Chamber of Commerce, there were 62,199 in which the chief worked alone or with but one assistant; 31,480 where from 2 to 10 hands worked; and 7,492 only where more than 10 laborers were employed.

merce, still retain them.⁴ The social authorities who have direction of the smaller workshops, present admirable types, for which we might search in vain among the throngs of larger manufactories, or in the scattered rural villages in the subdivided outskirts (§ 46). They preserve the old traditions of virtue and frugality; while the authorities, holding higher positions in the social organism, more especially guard the sentiments of honor, united to the most brilliant characteristics of the race.⁵ Both the one and the other furnish auxiliaries to true reformation — if such an event is not too much to be expected; and if they have not been previously destroyed by the dissolving agency of the Civil code (K).

§ 6.

CUSTOM CONSIDERED UNDER THE THREE REGIMES OF THE FAMILY.

The usage of Custom and the precepts of the Decalogue, on which it is founded, are not preserved by a people, except where each generation has the power to teach it to the one which follows it. Now the extent and efficiency of this power vary singularly under the three regimes of the family.

The patriarchal family constitutes the system under which Custom is best preserved. This is still extensively spread in the East (§ 9), and, under its influence, parents always retain near them all their married sons, and the children issuing from such marriages. Possessing complete authority over these, and living in constant contact with the young generations, they transmit to them, without effort, the

⁴ See, for example, the description of two excellent models, Le paysan de Lavedan, (*Les Ouvriers des deux Mondes*,) Le paysan du Lunenburg-Hanovrien, (*Bulletin de la Société d'Economie Sociale*.)

⁵ *Reforme Sociale*.

views and practices established at the family firesides and workshops of their ancestors.¹ After the death of the old parents, the new head of the family, who perhaps for half a century has been in submission to Custom, fails not, in his turn, to impose it upon his own children. With people living in prosperity, this regime only offers advantages in its relations with the social organization of the workshop. But in what relates to the technical processes of labor, it may degenerate into routine, if the young men do not take opportunities to gain information by travelling; and if, besides, the directing classes, and more especially the social authorities, do not inculcate, in a proper degree, the necessity for innovations (§ 2).

The unstable family constitutes that regime in which young men submit the least to the influences derived from tradition. The young adults leave their parental firesides so soon as they gain any confidence in themselves. They think themselves in no wise bound to preserve the memories or Customs of their ancestors, and only hand down such usages as are strictly indispensable to the preservation of the race. With such habits fully established, the unstable family is seldom met with except among people living in a barbarous and degraded condition. Nevertheless, since the passage of the law for the division of inherited property (E), it has been gradually gaining ground in France, where it shows itself with prominent characteristics. The children are but little affected by parental influences, often less so than those of savages.² The adults marry outside

¹ One has generally the power to give his own knowledge to his children: he has still more the power of transmitting to them his passions. If this does not happen, it is because what is effected under the paternal roof is destroyed by impressions made from without.—*Montesquieu, de l'Esprit des lois.*

² One of the French customs most censured in other parts of Europe, is that of the establishment of the numerous boarding-schools, in which children of persons living in easy circumstances are brought up, away from their parents, and completely withdrawn from the influences of the domestic fireside.

of their family circle, and they no longer connect their future views with the fireside or workshop of their parents. After these die, their children cease to continue the practice of any of the duties impressed by the Custom of the workshop. They have even the right to change the order of the household, the country residence, or the manufactory of their ancestors—and even to divide the old garments and furniture. There is not, therefore, any room for inquietude in regard to the fate of laborers, domestics, or families, from whom this right of partition takes the means of subsistence. Under this system, labor exhibits an instability in the extreme. True it is, however, that this regime frequently leads to rapid improvements in methods, and even to the commercial prosperity of manufactories. But, as I shall hereafter show in the course of this work, it is not compatible either with the social harmony and expansion of the race, or with respect to Custom and the Decalogue.

Between the two extreme family types just described, that of the family head (*famille-souche*) affords an admirable organization, which at the same time obviates the inconveniences arising from routine and instability. In all prosperous localities in the central and western regions, it is represented by excellent examples (§ 9). Under this system, the father transmits his fireside and place of labor to that one of his children which he thinks most capable of fulfilling the duties marked out by Custom to the family, the workmen, the local authorities, and to the government. In connection with this inheritor, whom he associates with him as soon as possible, he endows his other children with the amount laid up from his earnings in the course of one generation. He moreover leaves to these last, full liberty to go into any kind of business they may choose. Those who establish themselves in the capital, or in the colonies, are in no wise bound to conform to hereditary usages,

but may enter into any business suggested by the spirit of enterprise and innovation. Nothing prevents them from creating a better Custom, if that derived from a former age was not founded upon and inseparable from the Decalogue, upon which rest the foundations of humanity. The family stock based upon the liberty of free testament, secures to the race all the advantages of fruitfulness. Among new families it plays an important part, by the introduction of new improvements; while among the older families it preserves the moral and material advantages which have been transmitted to them along with the veneration for the graves of their ancestors, the affections connected with the fireside, and the Customs of the workshop. It has furnished in all times, and still promises to do so, the best types of European society.* It is from the bosom of family stocks the most humble that have commonly sprung—thanks to the parents of the inheritor—those great examples of virtue and talent which have contributed so much to the fame and prosperity of societies. This condition of things frequently existed among the peasantry as well as among the gentry of Gascony and Normandy. It yet exists in the Basque provinces, in many German provinces, and in the British Islands. I know in England one house from which six youths have been sent out, all of whom, through their industry, acquired fortunes superior to that of the first heir. Though richly established in their colonial homes, they nevertheless enjoy great pleasure in coming, with their families, to participate in Christmas fêtes at the humble fireside where they were born.

While, in the homes of the rich, the unstable family seldom produces, in each generation, more than a single son who is often thoughtless and dissipated, the family devoted to labor is more prolific, and besides the chief heir, and

* See the particular description of *La famille Souche* given in *La Reforme Sociale*. Also, *Travels in France*, by Arthur Young.

preserver of the national traditions, has two or three sons, who, in the country or metropolis, secure to themselves all the advantages to be derived from well directed enterprise, and minds intent upon judicious innovation.

§ 7.

PROSPERITY OR DECLINE, IN THE FACTORY AND IN THE NATION.

When the Social authorities perform their duty, that is to say, when they preserve among their co-laborers proper regard for the Decalogue and for Custom, they secure their families against corruption, and present a combination of those social qualities which constitute the elements of true prosperity and harmony. Nevertheless, this condition of prosperity is not positively secured to a nation, except where harmony exists between the Social authorities and the powers charged with the direction of local and State affairs.

The conditions necessary to establish harmony between the sovereign, the governors, Social authorities having direction of the common productive arts,¹ and the eminent men who cultivate the liberal arts,² constitute, in fact, the great problem of government. In a preceding work, I have discussed this problem,³ and shall again introduce it, in a summary manner, in the last chapter of the present work. In the following paragraph I shall again speak of it after the two principal solutions—reference to which cannot be dispensed with in investigating any one branch connected with social reform.

The prosperity of a nation develops itself under two very different systems, and is everywhere recognized by identical characteristics. Religious sentiments are engraven in all minds. Harmony and prosperity reveal themselves in the public by the friendly relations subsisting between all classes ;

¹ *La Reforme Sociale*, vol. i.

² *Ibid.*, vol. ii.

³ *Ibid.*, vol. iii.

in the family by fruitfulness. The youth accustomed to obey and brought up to work, afford ample supplies for the extension of the factories, recruits for the army, and the multiplication of the race in flourishing colonies established in the uncultivated regions of our planet.

The decline of a nation always coincides with the disorganization of the two systems which create prosperity. It manifests itself with individuals by the loss of religious sentiments, in the family by sterility, in the State by contentions and civil war. A population, stationary or decreasing, given to revolutions and strifes, no longer contributes to the necessities of the factories, or to the defence of the soil. Maintaining itself with difficulty within its ancient limits, the race no longer takes any part in creating new establishments, such as are always founded by a prosperous nation outside of their chief cities. These characteristic symptoms of decline have, in France, increased more and more, in successive generations, up to the present day (§ 17), as well under the ancient regime of decline as in the present era of revolution. They would not be any longer masked, were it not for those writers who, taking little interest in the preservation of moral order, assume that the exclusive criterion of prosperity exists in wealth and the means of sensual indulgence (§ 29). As to the latter, all history teaches us that they will soon come to an end if some plan is not adopted to give another direction to the course we are now pursuing.

§ 8.

THE GOOD AND THE EVIL, UNDER THE TWO CONDITIONS OF CONSTRAINT AND LIBERTY.

The reign of the good in the family, the factory, and the State, or, in other words, the prosperity of a nation, consists in the existence of a certain degree of harmony, main-

tained in institutions and in manners. The laws, whether religious or civil, equally tend to bring families under the influence of the Decalogue, and those of the workshop to the usages established by Custom (§ 19). The Social authorities (§ 5) and the ruling class unite in devising means to drive away that corruption which emanates either from the spirit of evil incessantly manifesting itself in rising generations,¹ or from the wealth accumulated through prosperity, to the great danger of moral order.² Such a happy state of harmony rarely shows itself in history. It has, nevertheless, been produced at long intervals of time, during the first ages of humanity, under the influence of two social regimes, which, proposing to attain the same object, proceed in ways entirely different.

Under the first system, sovereignty resides exclusively in a monarch, or in a small number of persons. The religious and civil laws have equally derived their sanction from public power. According to the doctrine of the most absolute form of this regime, the sovereign has received all his authority from God, under an obligation to show at all times a good example to his subjects. This privilege, and its accompanying duty, are equally united in those to whom the sovereign delegates power; so that the mission of all these consists pre-eminently in suppressing all manifestations of evil in the State and in the provinces (§ 69). The social authorities (§ 5) maintain a profound respect for the sovereign and his representatives; they receive with deference their orders and instructions; and they, in their turn, impress upon the local government (§ 68), the places of labor (§ 19), and private life (§ 67), good habits and manners derived by themselves from tradition. To

¹ Folly is linked in the heart of the child, and the rod of correction shall drive it out. — *Proverbs* xxii. 15.

² I say to you again, it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven. — *Matthew* xix. 24.

designate such an organization, no better title can perhaps be applied, in consideration of its arbitrary character, than that of the *Regime of Constraint*. This system, even when imperfect in theory and practice, has often been productive of grand results. Russia, which unites most of the characteristics here mentioned as connected with prosperity (§ 7), offers an example of this regime at the present day. Up to the year 1861, she applied it, under severe regulations, to the organization of labor. She still continues to impose it where there is any necessity, aided by the secular arm and the influences of her national religion. She has imbued her people with the most energetic religious faith, so that in the presence of death itself they have shown a serenity which has forcibly impressed all those who have witnessed it.³

This gracious action of sovereignty united with religion, has afforded a point of departure to many nations famous in history; but in general, such nations have not had a long existence. The governing classes have soon been invaded by the corruption which flows with an almost irresistible force from those in the exercise of power. They have often lost, in the course of a few generations, a sense of the duties practised by their ancestors. They have themselves propagated the evil which they should have suppressed, and thus hastened decline. Nevertheless, an appearance of prosperity has been maintained, united to good manners, in spite of the corruption of the governing classes, when these have avoided public scandal and left

³ An official report of observations made on the field of battle at Alma, refers to this in the following terms: "Most of the dead exhibited an expression of pious resignation. Others appeared with signs of utterance on their lips, and countenances illumined by a celestial smile of exalted beatitude. One of the last attracted notice, and I could not help calling to it the attention of those by whom I was accompanied. The dead soldier lay partly on his side, his knees drawn up, the hands raised and clasped, the head bent backwards,—everything seeming to indicate that he had died while muttering a last prayer."

the local governments to be carried on by the social authorities (§ 68). These have successfully interposed between the people and their high functionaries; and from this time the evil having been laid up in quarters, as it may be said, among the higher ranks of society, was kept from invading the minds of the working classes. Turkey offers an example of this regime of restraint, partially disorganized by the corruption which, for so long a time, has reigned in the courts of the sultans. But it still possesses many elements of regeneration; for numerous localities, inhabited by Christians and Mohammedans, have, among other wholesome usages, preserved private and local privileges, the possession of which the West might envy. During the last century, Russia has equally profited by the influence exerted by local autonomies. Thanks to the liberties which she has preserved, the rural communities of this great empire do not appear to have seriously suffered from the corruption which reigned at the court of Catharine II.

Under the type of the second regime, which differs so greatly from that just referred to, the sovereignty resides in the nation as represented by the majority of the citizens. The law of religion is imposed upon individuals, not by force of public law, but solely through the impulses of conscience. The civil law also leaves this a much larger scope of action, and consequently gives comparatively little attention to the preservation of Custom in the places of labor, and respect for the Decalogue, either in localities or the nation at large. Under such circumstances, when the constraint is imposed upon individuals by conscience, it is more efficacious than that legal constraint which, under the preceding regime, is exercised by the governing classes and Social authorities. In calling this social organization the *Regime of Liberty*, I conform more to the usage and ruling prejudice of my fellow-citizens, than to an expression of

my own view of the true nature of the institution. Many people in the West (of Europe), under this deceitful name (§ 57), propose to attain, by the course of revolutions, a phantom which incessantly flies from them. On the contrary, the people, great or small, rich or poor, who approach most nearly to it are precisely those who, in their political programmes, make the least use of the word liberty. I have remarked this in England, and in Biscay — that is to say, among two people with whom prosperity is best established, and moral restraint exerts most empire.

Furthermore, the means proper to the two systems referred to differ less than is supposed by those who loudly demand certain forms rather than strong foundations of liberty. To be convinced of this fact, it is sufficient to draw a comparison between different people in regard to the state of religion, that is to say, the most important trait in their social organization.

According to an opinion widely spread, the United States of America is the most prosperous nation existing in our time. In it, the most complete distinction is established between the religious law and the civil law, or, in other words, between Church and State. These opinions have been often repeated, but I have been daily led to regard them as questionable, when a comparison is drawn between the past and the present. G. Washington, J. Adams, J. Madison, and their contemporaries, who, by their personal ascendancy created the government of the United States, have, up to the present day, remained the most illustrious representatives of the American character. Now, these great men were all brought up in their native colonies, under the strongest systems of constraint. These regimes so identified Christianity with government, that in many places — Connecticut for example — religion was established in the State, and punished with death, heresy, blasphemy, adultery, and outrages committed

against parents.⁸ Aided by time, the asperity of these laws has been tempered down; but ever since the War of Independence they continue their respect for the Decalogue. The Constitution of the United States, inaugurated in 1789, and the amendments subsequently added to it (§ 60), have, in fact, but little modified these customs. The manners and the institutions still visibly search *the kingdom of God and his justice*.⁹ It is not, therefore, true to assert that the Americans have become indifferent to the observation of the religious law—although, in a few localities, this has of late years sometimes occurred. But such laxity has by no means corresponded with the progress of manners. The good examples formerly given by America have, however, been very gradually replaced by evidences of corruption and cynicism, which derelictions have created much astonishment in Europe.¹⁰ Social antagonism, civil war, political assassinations, which have recently desolated the country, show that the United States

⁸ A. de Tocqueville, *De la Démocratie en Amérique*.

⁹ *Matthew* vi. 31–33. This assertion can be proved by a multitude of facts; I shall confine myself to the citation of the following. Public ceremonies, sessions of Congress, and those of some State legislatures, always open their meetings with prayers. On great occasions, whether joyful or sad, the President, or the governors of States, invite all citizens to unite in offering thanks to God for his favors, or rendering to him acts of penitence. Magistrates receive no evidence unless guaranteed by an acknowledged belief in God; and they often act as auxiliaries to religion, by vigorously enforcing the observance of the Sabbath as a day of rest from labor and amusement. They also punish, by fine or imprisonment, those guilty of blasphemy. They protect religious meetings, whether within doors or in the open air, (camp-meetings,) from being disturbed by intruders. Ministers of all religious persuasions are exempt from military service: and this rule has not been departed from, even in the late civil war, except so far as to give employment suited to the religious character. They witness the sacred ordinance of marriage, without any intervention of the State.

¹⁰ The most scandalous reports have been given relative to bankruptcies, divorces, collisions between public officers, and especially some commercial transactions (§ 60, n. 23), which, in spite of a species of corruption of an older date, would not be tolerated in any part of Europe.

have lost some of the most prominent characteristics of prosperity (§ 7). This crisis will, it is to be hoped, be of short duration. But in waiting for the results which history will one day furnish of this great nation, nobody is authorized to conclude, from what has passed, that the prosperity of a people has been increased in proportion as the distinction between civil law and religious law became more absolute. On the other hand, England and Biscay, which offer the most beautiful types of liberty among the great and small nations, remain firmly attached to religion connected with the State. But their prosperity seems to increase still more in proportion as this religion is less subjected to constraint. If the expression, *regime of liberty*, could meet the sanction of social science, it might be specially applied to institutions which, even in the presence of orthodox established religions, guarantee perfect liberty to dissenters. Moreover, in accordance with the definition above given, prosperity is only maintained when the conscientious use their liberty in submission to the divine law.

The nations who elevate themselves to prosperity under the influences of the two regimes described, present many analogies in their institutions. The contrast existing in the organization of sovereignty disappears in proportion as approach is made to local government and the influences prevailing in private life. Under systems of liberty, as under those of constraint, in England, Biscay, Switzerland, Scandinavia, Russia, Prussia, and Turkey, private life enjoys a perfect autonomy, under the control of governing classes and the patronage of the social authorities (§ 5). I may add, that, in studying in their details the different European constitutions, I have often established that the sovereignty was sometimes more severely administered under regimes of liberty than under those of constraint.¹¹

¹¹ Thus, for example, the State of Massachusetts, in 1789, after the conquest of independence, passed a law against drunkards and gam-

The two regimes, in fact, show another striking analogy. Corruption, when it begins to introduce itself anywhere, has almost always the same origin, that is to say, loss of respect for those in authority. Popular assemblies and absolute sovereigns, equally disorganize the constitution when, in delegating their powers, they show a preference to flattery and vice rather than to virtue. It would be easy to prove from history that the corruption of the electors has been not less serious than that of kings.

In the era of the revolution, which has remained open in France since the year 1789, the two regimes have been equally violated by neglect of the Decalogue and of Custom (§§ 30 and 32). To say the truth, our four regimes of liberty,¹² as well as our four regimes of constraint,¹³ are

blers, which, for severity of constraint, finds no equal existing in any of the absolute monarchies of our time. According to the text of that law, "The selectmen of each township shall post up in the public-houses and places, lists of persons reputed drunkards, or gamblers, and those who spend their time or lose their money in such houses; and the keepers of all such houses, after this notice, who shall suffer such persons to drink and play in such places, or who sell spirituous liquors to them, shall be liable to pay a fine."

¹² The principal object of our regimes under the name of liberty, has been to intervene as much as possible with the powers of sovereignty, through men elected by the nation expressly for this very purpose. But none of these regimes, except the first, has ever dreamed of giving to individuals the liberties, private and local, which Louis XIV. had weakened, and the Reign of Terror totally destroyed. These regimes have lasted twenty-seven years, namely: The struggle of the ancient regimes of the Assemblies, two years, (1789 to 1791;) the Convention (after the Ninth Thermidor) and the Directory, five years, (1794 to 1799;) the Restoration, sixteen years, (1814 to 1830;) the Republic of 1848, four years, (1848 to 1851.)

¹³ The sympathies of the nation are, in general, attached to systems of constraint, or personal authority, as most capable of putting an end to the struggles and agitations common in the regimes of liberty. The means pursued has always been the establishment of a dictatorship, with a preponderating influence of persons chosen for their individual merits. Up to this time, (June, 1869,) these regimes have lasted fifty-three years, namely: Reign of Terror, three years, (1791 to 1794;) The Consulate and the Empire, fifteen years, (1799 to 1814;) Reign of Louis Philippe, eighteen years, (1830 to 1848;) the Dictatorship of 1851, and the Second Empire, seventeen years, (1851 to 1869.)

only attached by name to the true types which I have defined. In what relates to the organization of sovereignty, the first regimes that followed the revolution withdrew themselves from all known traditions, and had but an ephemeral existence. Those which followed pursued a course more conformable to examples given by people of greater stability. Neither, however, lasted through a single generation. These checks, to which all forms of sovereignty were alike subjected, are to be ascribed to the same cause, which will be referred to hereafter (§§ 61 and 71). The revolution has given to private life (§ 67), and to local government (§ 68), an organization which equally violates the traditions of old France and the actual experience of all prosperous nations. This organization is incompatible with all social order. It cannot therefore succeed, either under a regime of constraint or a system of liberty. We have been baffled by it in all our attempts to achieve reformation; for, under the abusive domination of officials and legislators (§ 54), we have invariably preserved the only institutions which it is necessary to alter.¹⁴ Nevertheless, the inconveniences of an exaggerated centralization have been pointed out by the sovereign.¹⁵ The same criticism has been reproduced by His Royal Highness, the Prince Napoleon, and by statesmen who have occupied high positions in the empire.¹⁶ There is hence reason to hope that this part of reform need not be long waited for.

¹⁴ At the moment I am about to finish this work, (October, 1869,) a new change in the organization of sovereignty has been accomplished, by the *Senatus consultum* of the 6th and 8th of September, 1869. After seventeen years of personal authority, a new movement leads to a fifth modification of liberty. This time again, the authors of the change have not extended their thoughts beyond a central government. None among them appeared to have given any consideration to the true liberties connected with local government, and more especially with private life.

¹⁵ *La Reforme Sociale*, t. iii. pp. 343-345. See also § 68, n. 18.

¹⁶ *Reforme Sociale*, t. iii. p. 345.

§ 9.

THE GEOGRAPHICAL DISTRIBUTION OF GOOD AND EVIL.

One of the points essential to a judicious reform of labor consists of an intimate knowledge of places where work is carried on. This gives the capacity to distinguish among these the conditions of prosperity or decline, and the influences exerted by good and evil usages. I have for a long time regretted that I could not meet with any precise information upon this subject in the accounts of different travellers. Thus have I been compelled to seek for light through a careful comparative study of European nations,¹ and many eminent men have been pleased to second me in my researches. These labors have already furnished a collection of methodical observations,² which may be advantageously opposed to the errors propagated through ignorance and prejudice. They constitute, in a manner, a geographical distribution of the good and the evil, of which I shall here point out the principal indications.

Certain European nations are specially indebted for their originality to qualities or to defects carried to the extreme. They are often referred to in this work, where the distinction of good and evil is founded principally upon comparative observations of various nations. They form two principal groups, separated by a central region, the manners of which generally present a mixture of characteristics. The Eastern group extends along the frontier of Asia, from the Frozen Ocean to the Mediterranean, comprehending the three Scandinavian States, Russia with its nomads, Poland, Hungary, and Turkey. The second group contiguous to La Manche, and to the Atlantic, comprehends, above

¹ *La Reforme Sociale*, t. i. p. 150.

² *Les Ouvriers Européens; Les Ouvriers des Deux Mondes; Le Nouvel Ordre de Récompenses de 1867.*

all others, the manufacturing regions of Great Britain, the Netherlands, Belgium, the German States, Switzerland, and France. I shall briefly designate these groups under the names of Eastern and Western. By their mixed characteristics, if not by their geographical positions, the two peninsulas of the Mediterranean are attached to the central region. In the States of this region there are found, here and there, small communities which, by the possession of many virtues and peculiarities, maintain a high position. Such are the Basques, and Catalonians in Spain; the Lucans and Bergamos in Italy; the six small Catholic cantons in Switzerland; the Tyroleans and Carinthians of the Austrian empire; the peasants of Westphalia and Hanoverian Lunenburg in North Germany.

The country workshops and manufactories where the good is practised, and where prosperity established upon harmony reigns, furnish the characteristics and standard models of Eastern social organizations. These become relatively more rare in the central region, and are nearly everywhere in a minority in the West. Finally, they are almost entirely wanting in the great manufacturing districts contiguous to the shores of the Atlantic. A comparative study of the East and West not only shows a contrast of things as they are presented, but affords an opportunity of ascertaining the causes operating to produce it. In those countries which border on Asia and the Icy Sea, many general influences, intimately connected with climate, soil, and distance from navigable waters, enable the inhabitants to live well, and at the same time remain far from evil moral influences. The rigor of the climate represses the sensual appetite, the most dangerous of all others.³ The uncultivated territories afford abundant supplies and ready means

³ "There is no passion so violent as the voluptuous. Happily, there is but one passion of the same nature; for if there were two, there would not be left a single man in all the universe who would be able to follow the truth." (The fifth precept of Chakya-Mouni, cited in the *Travels in Tartary*, by the Abbé Huc, vol. ii. p. 150.)

for their establishments. The nature of the products of the soil, and the absence of commercial outlets, are little favorable to the accumulation of wealth, and consequently to the development of pride and scepticism, which, in all ages and in all history, have been sources of corruption. Many local usages, originating, for the most part, from the influences first mentioned, also favor the maintenance of that primitive state of happiness connected with stability and harmony. Among the natural conditions, institutions, and manners contributing to establish the regime of the good in those regions, I have observed in the first rank : — Among nomads, the pastoral life, connected with the undivided possessions of forests and fertile steppes ;⁴ in the icy regions, fishing, hunting, and pasturage, with the moral influences emanating from the salutary contests of man with nature ;⁵ among the quiet Scandinavians, the alliance between manufacturing industry, work in the forests and fields, with that accordance existing between seigniorial rights and individual liberties, which leads to permanence of voluntary contracts (§ 20) in the workshops ;⁶ in Russia, where forced engagements exist between the proprietors and their workmen, with periodical division of the arable land,⁷ and the threefold protection⁸ secured to individuals by the patriarchal family, communal organization, and seigniorial proprietorship ;⁹ in Turkey, the half forced contracts, admirably tempered — in the presence of two rival religions — by habits of patronage, tolerance, and equality ;¹⁰ in Hun-

⁴ *Les Ouvriers Européens*, i. p. 56.

⁵ Even with the fixed populations of Russia, Sweden, and Norway, fishing and the chase play an important part in gaining subsistence for the inhabitants.—*Les Ouvriers Européens* (O) ; see § 8th of the Monographs iii. vi. vii.

⁶ *Les Ouvriers Européens*, vi. vii. Also the definitions of systems of contracts in the various social organizations, in a table inserted in that work, pp. 16, 17 (O).

⁷ *Les Ouvriers Européens*, ii. § 6. Appendix, p. 284.

⁸ *La Réforme Sociale*, ii. to v. p. 407.

⁹ *Les Ouvriers Européens*, ii. v. (O.)

¹⁰ *Ibid.* viii.

gary, the feudal organization maintains an excellent system of property to a race of peasantry provided with an amount of land sufficient for the maintenance of one family ; finally, in the forest domains, in the mines and furnaces of Hungary, Carinthia, Carnolia, and Hanover, an antique system of patronage secures to the establishments the necessary handwork at a low price, and to the workmen a sure maintenance.¹²

In the manufacturing countries bordering on the Atlantic, general causes connected with the nature of places, operate, for the most part, in an opposite way. A more southern climate tends less to the preservation of good habits. The soil, completely appropriated to culture, offers such of the population as are not proprietors, neither the means of subsistence nor facilities of establishing themselves. The mines of iron and coal (§ 29), profusely spread through the earth, assures to manufacturing industry, to an extent almost unlimited, all the materials required for heat and motive power.¹³ The Ocean furnishes easy and cheap facilities for importing the raw material and products of all maritime countries, which are afterwards exported in the articles manufactured. But the wealth thus developed so rapidly, under such favorable conditions, finally exercises its deleterious influences upon the directing classes. Under this agency, the ruling and clerical classes are particularly inclined to forget their duties, and place themselves in a situation to corrupt the social body.¹⁴ The manners and institutions, although superior in many respects to those of the East, often operate in the same way as natural causes. Thus, individuals possessing superior talents have a thousand ways by which they may elevate themselves above the position in which they were born. But multitudes are found who are incapable of gaining a subsistence. Masses

¹² *Ouvriers Européens*, x. xii. xiii. xiv.

¹³ *La Réforme Sociale*, ii. pp. 125, 397.

¹⁴ *Ibid.* ii. pp. 170, 192, 194, and 196.

of such remain deprived of that support and security which, under the Oriental regimes, find abundant resources where the soil is uncultivated and the influences exerted by systems of constraint are preserved.¹⁵ The state of suffering which results from a combination of these causes is habitually aggravated, in a majority of the working populations, by three principal circumstances. In the first place, the multiplied means of production excites in the manufactories an immense competition. It gives rise to alternations of feverish activity or to forced strikes ; and thus it exposes the laborers to a double danger from corrupting abundance and painful destitution.¹⁶ In the second place, even in times of commercial activity, workmen drawn suddenly from the salutary influences of rural life, and crowded together in contact with corrupting city influences, experience all the evils engendered by the combination of vice and improvidence. In the third place, even in rare cases, where individual welfare might be secured through the happy chances of commerce and the preservation of moral order, the instability of engagements, social rivalry, wrongs leading to irritating disputations, diseases and premature deaths, come to subject entire families to cruel sufferings.¹⁷

Nevertheless, in all that relates to the organization of labor, a multitude of facts justify the prestige gained by the West from the superiority of its means for production and exchange. Many social authorities have preserved in their establishments the benefits derived from Custom. In this case, social harmony attains a degree of perfection¹⁸ which I have never found in the most prosperous localities of the East. Even in the densely crowded manufacturing populations subjected to vice and antagonism, certain workmen, especially when they possess some religious principles, ac-

¹⁵ *Les Ouvriers Européens*, xvi. xxii. xxiii. xxiv.

¹⁶ *Les Ouvriers des Deux Mondes* (P), vol. ii., Nos. 13 and 19.

¹⁷ *Les Ouvriers Européens* (O), xviii. xix. xxiii. xxxiv.

¹⁸ *Le Nouvel Ordre de Récompenses* (Q), pp. 1-13.

quire intellectual and moral qualities which are not excelled by those among the most praiseworthy of the forest and pastoral regions.¹⁹ In these same communities, as already stated, men of great talents attain their true positions more readily than in countries where the social classification is subject throughout to the empire of Custom. But this elevation is not without a mixture of evil, the rapid accessions effected by talent not being always associated with the possession of the antique virtues. High positions conquered by arduous exertions have singularly contributed to the renown of the West, from its extensive commerce and accumulation of wealth. But whenever moral order becomes weakened, the riches thus acquired are not a source of happiness, neither to the newly-made rich, nor, above all, to the body of the nation. The social authorities of the East, who become corrupt, or who slumber in traditional conditions, are sometimes less hostile to reforms than certain parvenus in the West. In fact, many of the latter, content with a system under which they have attained wealth and honors, are little inclined to modify institutions in which the improvident classes are kept in misery. The masses have more need of protection than of independence.²⁰ They also have less partiality for men who have raised themselves rapidly than for such as have maintained their positions through a succession of prosperous ancestors.²¹ One may easily understand why public

¹⁹ *Les Ouvriers Européens*, xix. The special developments given in this Monograph at § 5, and in the note having for title, *Sur la Comparaison à établir, touchant les développements intellectuel et moral des Ouvriers, entre les civilisations de L'Orient et l'Occident*. See also Monographs xviii. and xxxvi.

²⁰ I have always been struck by the profound distinction subsisting between the improvident populations to which patronage is indispensable, and those which prosper by the exertion of their free will. It is by the propagation of the manners which I have faithfully described, rather than in improvising the right of suffrage, that a free people may be created. See, especially, *Les Ouvriers Européens*, pp. 9, 18, 20; *La Réforme Sociale*, pp. 375-381.

²¹ In France the social antagonism kept up among the working

peace is rendered insecure in a country where labor is carried on solely by needy young men — by parvenus, and those descendants of the social authorities who do not preserve habits of industry, and the sentiments and duties which should be connected with the possession of wealth (C). One cannot admire without reservation, an order of things admitting men of great capacities to raise themselves above others, but where the feeble in body and mind sink much lower.

§ 10.

THE GOOD AND THE EVIL IN HISTORY.

The distinction between good and evil remains, up to the present day, less exactly marked in History than in Geography. The inextricable errors by which we are enveloped, owe their origin generally to one principal cause. Most of the writers on whom the public erroneously depend for their views of history, are far from being historians — and we shall be astonished, one day, that they, even for a moment, received the title. Few of them, in effect, propose to expound the truths of science, but generally devote themselves to amusing and entertaining their readers. To attain this object they habitually resort to three processes: they pass over in silence facts, which are little dramatic, but which are, nevertheless, connected with the good usages giving rise to prosperity (§ 7); they, on the contrary, dwell at great length upon actions instigated by spirits of evil; and by rendering these attractive, aim to be rewarded by eclat and success. When their recitals terminate in catas-

classes is manifested by feelings of envy and hatred admitting no excuse. It is, however, partly owing to the inferior capacities exhibited of the parvenus, compared to those of the ancient possessors. The hostility of the working classes toward the newly enriched, presents one of the most dangerous features of our social position. It was displayed in 1848, and revived in 1868 and 1869, accompanied with the most condemnable circumstances (I), in the popular reunions in Paris, and also in the meetings at Basle and Lausanne.

trophes involving decline, they do not ascribe these to the agencies of the men and things which have been their favorite subjects, but to a blind destiny which successively weighs down all nations and all races.

Happily this sad condition of history has been perceived by eminent individuals,¹ who, following the examples set by those devoted to the cultivation of the exact sciences, and indifferent to the suffrages of a frivolous public, have founded their science upon the authentic records of the past.² These true historians figure among the most glorious characters of our time. At present they only address themselves to thinking men; but ere long, their labors, when all shall be ready, cannot fail to correct the evils originating from unsettled opinions. When near them I partake of their inspiration as much as circumstances permit, and I shall in a few words give some of the opinions of the true and the false, which I have drawn from their writings and conversations.

During the epochs in which the good prevails, events

¹ "Les histoires sont des faits faux composés sur des faits vrais, ou bien à l'occasion des vrais." — MONTESQUIEU, *Pensées diverses*.

² "I soon perceived that history gave me pleasure as a record of the past, and that every time a personage or an event of the Middle Ages exhibited a little life or color, I experienced an involuntary emotion. This experiment, often repeated, was not long in overthrowing my ideas of literature. Insensibly I left off modern books to peruse old books, narratives for chronicles, and I believed myself able to discover the truth smothered under conventional forms, and weighed down by the pompous style of our writers. I endeavored to erase from my mind all they had taught me, and entered, so to speak, into a rebellion with my masters. The greater the renown and credit of an author, the more indignation I felt at having believed in his words; and that so many, like myself, had believed and been deceived by them. I have, therefore, reason for saying that our modern historians present, under the most false lights, the events of the Middle Ages. It is not necessary to dissimulate that, in all which relates to the history of France anterior to the seventeenth century, public conviction, if I may so express myself, has reason to be entirely renovated. In France, no person is at present free from another person; there are no laws of fresh date among us, and the present generation owes all its own courage to that which preceded it." — AUGUSTIN THIERRY, *Lettres sur l'Histoire de France*, preface.

move with regularity, and are attended with but little noise. Families put their chief glory in bringing up numerous children which shall surpass their sires in talents and virtue. The Social authorities diffuse around them respect to the Decalogue and Custom. Established for the most part in the country, they devote the fruits of their labor to securing the welfare of the people, improving their homesteads, developing their working establishments, and founding new and flourishing colonies. Under a regime of constraint, as under one of liberty (§ 8), the sovereign and his agents leave to the Social authorities the care of the local governments (§ 68), and limit their own action to securing moral order and peace in the State. These epochs, so little suited to the affected style adopted by these classic historians, moreover escape their attention on account of their short duration.

It is often asserted that humanity is naturally inclined toward the good, and that evil is solely produced by social institutions. This false doctrine has for its support a dogma embracing two very dangerous sentiments, namely, contempt of all authority, and love of revolutions. For eighty years, France, more than any other nation, has spread these errors in Western Europe, and I have often proved that no effort will restore the good to those who found hopes of success to their career, upon the propagation of these pretended principles. It is true that certain men, left to their natural dispositions, constantly incline to the good, especially since Jesus Christ has given the world a model of perfection. But there are others, in still greater numbers, who practise the evil persistently; and nearly all show the continual association of the two propensities. Institutions are good or evil in proportion as they favor one or the other of these opposite instincts. They, moreover, have, as a criterion, results, that is to say, the phenomena of prosperity or decline (§ 7).

The classic historians have propagated very many false impressions in regard to the phenomena of prosperity and decay, as well as of good and evil. The following facts, which preside over these phenomena, have been habitually misconstrued by them.

The progress of wealth and of art, which so generally excite the highest admiration, administers much less to the prosperity of a people than the improvement of their moral condition. But when unaccompanied by the latter, they rapidly engender evil. The remarkable inventions which, in our time, have been made in the useful arts and physical sciences, are in no wise attended by corresponding discoveries in the moral order. Far from this, the spirit of innovation appears as sterile in the moral order as it is fruitful in the material order. At no period of its history has a people been found whose destiny was not subjected to prosperity or decline. Like every individual, it necessarily passes from youth to old age. It may, through corruption, fall into decay, but recover its prosperity on returning to virtue.

The physical agencies exerted by climate and soil contribute greatly to the welfare or discomfort of a race of men. But it may be dominated by influences springing from a contempt or a reverence for the moral law. This agency becomes modified according to the nature of the residence and kinds of employment. Thus there exists a strong contrast between nomad and stationary populations. The contrast is most apparent with the nomads, fishers, and herdsmen, and in stationary populations, between the inhabitants of cities and those living in the country. The difference is most visible in rural populations, as these inhabit mountainous regions or the cereal plains; whether they cultivate estates gathered round a central focus, or domains in the outskirts of a village (§ 46). In this respect, the history of the human race presents the following characteristics.

The fertile steppes of higher Asia, under a temperate climate and far from the great thoroughfares of commerce, offer inexhaustible resources to pastoral industry. Since the most remote ages the nomad shepherds of this region have constituted, in some measure, the grand reservoir of the human race. They have always prospered by means of one institution — that of the patriarchal family (§ 6). Submitted to this authority, the most benevolent and the least corruptible, — provided with abundance, but without the power to amass riches, — gathering instruction by meditation, without neglecting the salutary influences derived from labor, — these people have always succeeded better than any other nations in preserving the good and in avoiding the evil (§ 64). Agricultural people, who enjoy the privileges of vast undivided pastures, remain very nearly in the same condition, if, along with the patriarchal family, they retain rural usages similar to those of the ancient Gauls (§ 12) and Franks (§ 14). But where the soil is completely appropriated to culture, and divided into distinct properties, agriculturists are then subjected to new necessities. These lead them to abrogate the patriarchal family system, build cities, establish manufactories, engage in commercial pursuits, and cultivate the liberal arts. But, instead of opposing any resistance to avert the evil influences originating from wealth and pride, they adapt their institutions to these new conditions. For the preservation of their good morals and customs, they, more than ever, have need to rely upon the supports derived from faith and reason. They should at the same time pay great attention to prevent individual irregularities, and, by recourse to written law, guard against the first introduction of dangerous innovations. Having attained these favorable conditions, societies are prepared to make rapid advances towards the good. But in doing so, they run a risk of becoming invaded by evil, and at the very time they are attracting most attention, may

often be found less sound than brilliant. Under such circumstances, prosperity ceases and decay becomes inevitable, wherever manners and institutions become corrupt. The most formidable symptoms of this corruption are shown in the neglect of the Decalogue, the abandonment of Custom, the multiplication of unstable families, the creation of sumptuous capitals given up to luxury and debauch, the abuse of wealth and power, and especially the conquest of small nations. All the famous people among the ancients who were deprived of the benefits of Christianity, have, in the long run, fallen under these influences. They have at first submitted to the incursions of evil, and afterwards sunk into irremediable decay.⁴

Under the influence of Christianity, stationary populations succeed better than pagans in preserving moral order in the midst of prosperity. They do not entirely preserve themselves from that corruption which is engendered by science, wealth, and power; but they exert more force in resisting evil, and restoring good. Social catastrophes, the evident symptoms of decline, come suddenly upon people wandering in the paths of error, to restore them to reflection, and warn them of the uncertainty of human affairs. Such people can have no other firm support than that derived from the fear of God and obedience to the moral law. When they come to lose their possessions, men are brought to comprehend the truths taught by religion, and to feel the necessity of obedience to the instructions of those great characters, who, in their discourses and

⁴ The Chinese are the only people exempt from that historical law. But their race has been constantly regenerated by the nomad herdsmen of the vast steppes situated at the north of their empire (§ 64). In the natural order existing among the pastoral populations of Asia, those of them, at least, who have not been corrupted through contact with the Chinese, remain to-day in the possession of the principal sources of the good, as in the times of Abraham, Isaac, and Jacob. General history will not be positively established until this truth shall, by direct observation, be rendered perfectly clear.

examples, still preserve the precepts of the Decalogue, and the habits of morality established by Custom. The pastoral nomads,⁵ and agricultural populations of concentrated domains, have alone escaped the alternations between corruption and reform. They alone have preserved that solid prosperity which reveals itself, not in riches or the éclat of power, but by devotion to labor, frugality, and virtue.

History, brought to the height of its mission, ought, above all things, to point out the causes which have operated in leading people to the good or the evil, to prosperity or decline. The true historians of our time begin to bring these causes to light, and we have a glimpse of the number of monuments which will thus be raised, not only in localities but throughout provinces and nations. Each work, when completed, will comprehend four parts: — a gallery of objects produced by the labor of man from the most remote periods of history; a library of all known manuscripts; a complete chronology of historical facts, supported by the evidences given by the objects and documents; finally, a series of monographs, special and local, and, with all the aids now afforded by the resources of

⁵ Fine types of these are preserved in our day in the south of Altai. The reader who cannot visit them may consult with profit the descriptions of Higher Asia, and especially the *Voyage in Tartary*, by the Abbé Huc.

⁶ Among the most respectable types of these to be found in Europe, I will refer to the peasants of Lavedan and of Labourd, in France, (*les Ouvriers des deux Mondes*;) the farmers of Biscay, (*Bulletin of the Society of Social Economy*;) the small Swiss cantons (§ 65, n. 2;) the peasants of Hanoverian Lunenburg, (*Bulletin de la Société d'Économie Sociales*;) the agriculturists of Turkey in Europe, south of the Balkans, (*Les Ouvriers Européens*.)

⁷ A gallery having for its object the *History of Labor*, attracted much public attention during the Universal Exposition in Paris in 1867. It has furnished the first specimen of those which will some day be established in various localities, where one may be enabled to comprehend the great interest attached to researches into the history of the human race, with its alternations between good and evil. Many men of distinction have been pleased to say to me, that they recognize in this new plan a great scientific event.

science and art, reproducing at once the appearance of things as they existed in former times, and of those who then lived, and more especially such as by their practice of good or evil exerted the most influence over the destinies of their contemporaries.

When, by the completion of these labors, this method of reproducing history shall be definitively fixed, the time of general history will have arrived. But the first places will not be allotted, as now, in most of the works of our classic authors, to conquerors, haughty governors who enriched cities by ruining the countries, and to pretended heroes who have been the scourges of humanity. The grand epochs of history will be no longer exclusively associated with such direful celebrities. They will, above all things, be dedicated to those great men, the memory of whom has been too often neglected; namely, such as have loved peace, honored the social authorities, strengthened rural life, favored local government, given protection to the smaller nations, and, in a word, contributed without noise or ostentation to favor the development of public prosperity, and the practice of morality.*

Then shall appear in their true brilliancy the facts most essential to human societies and the general laws of history.¹⁰ On one hand, the small pastoral and rural nations will be seen preserving the traditions of the true and the good in their steppes and mountains (§§ 64, 65), far removed from the evil influences created by wealth and city

* Independently of the local collections above referred to, museums of general history should be established in which the records might be illustrated by the objects themselves, or by designs, models, fac-similes, and copies. The most complete plan for such a museum would be that at the palace of the Universal Exposition, in 1867, in which the circular galleries corresponded to the great epochs; the transverse sections were devoted to localities and provinces.

¹⁰ Upon this point the reader would do well to consult the fine work of R. P. Gratry, entitled *La Morale et la Loi d' l' Histoire*.

life. On the other hand, there will be represented the great nations with their magnificent courts, redoubtable armies, cities devoted to luxury and the culture of the fine arts; who have alternately laid waste and given lustre to the world during periodical alternations of vice and virtue, of decline and prosperity.

§ 11.

THE SIX HISTORICAL PERIODS IN FRANCE.

Since the advent of Louis XIV., our governing classes have, in respect to Custom, destroyed one of the chief foundations to all prosperity. They profess to be conducting the people in entirely new ways, and if they sometimes make allusions to times past, it is only in order to claim the absolute superiority of their own epoch. These pretensions have generally been encouraged by the classic writers;¹ they are, nevertheless, shown to be false, both by recent discoveries of savans and the severe trials to which the French people have been subjected during two centuries. The false theories on the subject of history propagated in France, have singularly contributed to prolong the present state of suffering, to narrow the French mind, and, in some degree, to hoodwink their sight. Thus have they prevented a recognition of those fundamental errors, a knowledge of which our rivals have put to so much profit. A refutation of these theories is one of the first conditions necessary to produce reform.

I have eagerly seized upon all opportunities of obtaining the opinions of true savans relative to the distinction of

¹ "Don't allow ourselves to be deceived: we have only existed for about twenty-five years, — law, police, military discipline, commerce, marine, fine arts, magnificence, wit, taste, all commence with Louis XIV." — *Voltaire*.

good and evil as revealed in our history. While waiting for the arrival of some other writer competent to treat at length this great subject, I shall here, in a few words, present some of the results of my own inquiries.

Taking into consideration only the most essential facts, I recognize in our territory the successive appearance of three periods of reform and prosperity, alternating with three periods of corruption and decline. I believe it best to treat these separately; but, not to depart from my principal subject, I shall say very little except what refers to the three periods last mentioned, as, according to the views of M. Augustin Thierry (§ 10, n. 2), it is especially in consequence of decisions made upon records of these periods that our favorite writers in France have destroyed all ideas of historical truth.

§ 12.

FIRST PERIOD, (1600TH TO 300TH YEAR PRIOR TO THE CHRISTIAN ERA.) PROSPERITY OF THE PASTORAL AND AGRICULTURAL GAULS.

The Eastern races, which from the most distant periods of time have successively established themselves in the territory of the Gauls, were found in the first historical times divided into numerous clans or tribes. Many of these differed greatly from each other in their manners and traditions.¹ The greater part were, however, united by the tie of a common origin. For individual protection and independence, some of them entered into confederations established upon positive institutions.

¹ Thus the *Euskes*, established on the two sides of the Eastern Pyrenees, differed from the Gaulic races on the north of the Garonne, as much as the Basques (who preserve their ancient name in their original language, called *Euscara*) differ to-day from the French.

The first immigrants gave themselves up mainly to hunting, that is to say, to the first employment presenting itself to nomad races arriving in the midst of forests abounding in large wild animals. Compelled to struggle incessantly in order to procure subsistence and defend their hunting-grounds from the incursions of neighboring tribes, the primitive Gauls were very similar in their habits to the Indian hunters still inhabiting the forests of North America. They were especially distinguished by their firm belief in God and a future existence, by their contempt of physical suffering and death, by their barbarous trophies of war, by an excessive confidence in their personality, by their repugnance to all authority not founded on evident superiority. They excelled all other primitive races of which history has given any account for two particular characteristics: they accepted the authority of a body of wise men and judges, namely, the Druid priesthood, which institution was liberally recruited, without the intervention of caste, from among the most eminent individuals of all the tribes residing in the small villages of Gaul, scattered in groups in the midst of the forests. Many tribes showed a high degree of respect for woman, unknown, in its extent, in any other race. As virgin and mother, they assigned important parts to her in religious rites, and in the family, and availed themselves of her special aid in appeasing quarrels happening between the different clans, and even in their international affairs.²

² Messieurs A. Thierry and H. Martin, who have devoted great zeal to the study of the Gauls, have carefully searched the writings of Plutarch and other ancient writers, for those passages which illustrate the chastity, intelligence, courage, and everything, in fact, calculated to contribute to that ascendancy maintained by women in ancient Gaul. Among other prominent characteristics connected with the subject are the privilege of young women of making free choice of husbands; education of the boys, up to the age when these engaged in their apprenticeship to arms, confided exclusively to mothers. As an example of the virtue maintained among the ancient Gallic women, Plutarch refers to

Strengthened by these beneficial influences, the Gauls gradually, and without being corrupted, reacted against the rudeness and ferocity of their manners. The regime of communities established in each clan, in accordance with the genius of the race, was less often disturbed by individual pretenders. The traditional rivalries of the different clans were equally attenuated by the Druids, who exercised a high power of arbitrament over the entire race, and who, in their schools for youth, reunited all the influential classes. The social influence of women equally employed itself in calming down intestine quarrels. On the other hand, the Gauls began early to estimate the advantages possessed by their territory, and the ancient geographers were pleased to acknowledge the rich resources they derived from nature.³ Pastoral industry, imported by all the immigrants, with the cattle and sheep of the Asiatic and Pontic steppes,⁴ rapidly developed itself upon the mountain sides,

a treaty made between Hannibal and a tribe of Southern Gauls, wherein it was stipulated that the reclamations of tribute made by the Carthaginians during their passage through the Gallic territory should be referred to the arbitrament of the women of the localities. Strabo has also cited the following trait: "Among the Cantabrians (Basques), it is the husband who gives the marriage portion to their wives; and it is the girls who inherit from their parents, and who are charged with establishing their brothers. Similar usages show the power which the sex enjoyed where little evidence of civilization existed." The custom with which the Greek author finds most fault is that which has contributed most to preserve among the Basques a fecundity and a liberty which all Europe might envy. In virtue of that custom, the oldest girl inherits the paternal domain by the same title as the elder son. And in this case, marriages, as well as generations, succeed each other more rapidly. This special regime of the family stocks (*familles-souches*) had been preserved intact among the French Basques up to the reign of Terror (*Les Ouvriers des Deux Mondes*). The Civil Code formed at this time of lamentable destruction, gave rise, in 1869, to occurrences which appear to have reached the hearts of the magistrates presiding in our Court of Cassation. (See the arrest of Dulano, March 23, 1869, in confirmation of the arrest by the Court of Pau, July 14, 1866.)

³ Strabo.

⁴ LE PLAY, *Description de la Steppe Pontic*, (*Voyage dans la Russie méridionale.*)

in the meadows, along the streams, and in the forest glades. These gave the inhabitants regular means of subsistence, and promoted stationary habits. Agricultural labor, equally introduced by many tribes, along with wheat and other cereals, came in later to add to the alimentary resources, and secure increased stability. Small villages, presided over by chiefs freely elected, became multiplied on the borders of the forests, near running streams, in fields and meadows. Isolated dwellings, connected with farms, rose up everywhere, in the meadows and on the hills.

Prosperity became general, and manifested itself by its common symptom, fecundity in families. It attained its greatest height in the sixth century before the Christian era, and was maintained to the end of the fourth century without any serious change. These three centuries form the great epoch of Gaul. It was then that the Gallic races held in balance the fortune of Rome, made the Greeks tremble, and in a measure pushed themselves into Southern Europe from the Atlantic to the Euxine Sea.

§ 13.

SECOND PERIOD (300TH BEFORE, TO THE 496TH YEAR AFTER THE CHRISTIAN ERA). THE DECLINE OF THE GAULS, UNDER THE INFLUENCES OF CITY LIFE AND ROMAN CENTRALIZATION.

Prosperity, by creating power and wealth, engenders those passions and vices which habitually lead to decline. Loss of reverence to God, pride, with all the evils springing from it, developed themselves rapidly among an impressionable people, who regarded their success as more owing to their personal valor than to their social organization; who had not succeeded in establishing the rights of property upon a free basis; who, in fine, wishing to domi-

neer over other peoples, had not been able to establish the principle of authority among themselves, either in the family, in the clan, or in the nation.

Families made rich by means of manufacturing industry, mining, and commercial enterprise, acquired gradually that influence which, up to that time, had belonged to those only who claimed distinction from birth or great services. The elective system, and the position of candidates, soon conferred upon the wealthy that power which had formerly been assigned to the wisdom of Druids and to distinguished warriors.¹

The new leading classes, from this time, instead of suppressing, gave encouragement to that sad instinct which had always impelled the Gallic race to establish assemblies subject to turbulence. They gradually abandoned their patrimonial estates (§ 46), the shores of the Manche, the Pyrenees and other elevated districts, their villages, valleys, and cereal plains, and even their summer residences in the mountains and forests (§ 12). They grouped together in large cities surrounded with walls, carrying with them their riches. There they naturally established that systematic oppression which was afterwards exercised in other cities throughout the country. This urban domination contributed greatly to spread social disorganization throughout Gaul. The feeble liens which, under a regime of incessant partition, bound the tenants to the proprietors, in the absence of these last became still further relaxed. The fruitful sources of rural patronage were replaced by the

¹ Atheneus, in referring to the accounts given by Possidonius, a Greek writer, who travelled in Gaul in a period comprised between the Roman conquest and the birth of Christ, gives the following description of a wealthy Gaul: "He made an inclosure twelve stadii square, in which were placed tubs filled with excellent drink, and a great many good things to eat, all of which were served without intermission during several days, with full liberty to all to come and repeat the entertainment as often as they pleased." (*Athénée, Traduction par Lefèvre de Villebrune.*)

sterile debates of the forum. The pleasures founded on luxury and violence replaced those formerly derived from labor and peace. In fine, the development of cities, by concentrating the means of defence and attack, organized, so to speak, antagonism among the Gallic tribes, and substituted general wars for simple local contests.

It was thus that the moral and intellectual powers of the Gauls became enfeebled, while at the same time that of the Romans, under opposite influences, was increasing. While these last were gaining strength through internal harmony, and imitation of the good usages of their enemies (§ 62), perfecting their discipline, tactics, and the armament of their soldiers, the Gauls, weakened by intestine broils and exaggerating the superiority of their race, made it a point of honor to place their dependence for success upon their personal courage. They despised all new methods of warfare, and rejected the most perfect arms. They carried this blindness so far as to neglect the art of tempering their steel, and this at a time when they lavished gold and silver in the purchase of their costumes of war. History has distinctly stated how the Gaul owed the loss of his independence to internal dissensions, want of forecast, presumption, and the defective discipline and armament of its heroic races. After the conquest, the domination of cities, themselves under submission to the centralized power of Rome, destroyed, little by little, a nationality which, during fifteen centuries, had rested on the support of pastoral and agricultural occupations. The abuse of wealth contributed still more to dry up the sources of prosperity. The absenteeism of the large proprietors brought ruin to the tenants, and afterwards to the agricultural organizations. The wealthy Gallo-Romans improvidently consumed in the cities the products of their rural estates. Entirely forgetting the traditions of their race, they, as well as their Roman fiscal agents, became the aux-

iliaries of that corruption which emanated from the uncontrolled authority of emperors. The time of arrest only came in the midst of this corruption, when the Franks, under Clovis, became masters of Gaul, and were converted to Christianity.

§ 14.

THIRD PERIOD (496 TO 1270): PROSPERITY INTRODUCED THROUGH THE EMULATION OF TWO CHRISTIAN CLERGIES, UNDER FEUDAL INSTITUTIONS.

The decline brought on by the disorganization of the empire and the invasion of barbarians, continued to weigh down the country for a long time after the conversion of Clovis and the Franks. But Christianity, feudalism, and feudal monarchy, through mutual support, gradually brought about a new social condition. Under their influence, moral and material order were regenerated, after which all the symptoms of prosperity appeared.

Christianity had already spread the precious seeds of reform in the midst of Gallo-Roman corruption. Thanks to the efforts of seven bishops of the Church, the apostolate of the Gauls had been inaugurated in the beginning of the third century.¹ A century later, this work had produced great results,² and toward the close of the fifth century, at the time of the dissolution of the empire, it had, by the establishment of regular bishops, laid the first foundations of the reorganization of the country. Thanks to the moral

¹ Saint Trophymus of Arles, Saint Paul of Narbonne, Saint Saturnin of Toulouse, Saint Austremoine of Clermont-Ferrand, Saint Martial of Limoges, Saint Grotien of Tours, Saint Denys of Paris. At an epoch when the French people are in revolt against the divine laws, and when the almost entire work of these great men has to be recommenced (§ 17), Frenchmen cannot too much honor their courage, or be too much inspired by their example. The ravages of sceptics (§ 17) are not more difficult to repair than those of barbarians.

² In the times of St. Martin of Tours (316 to 400), and St. Hillary of Poitiers (300 to 367).

ascendency which they had acquired, the bishops promptly gained control over the German races who had made extensive invasions into Gaul.³ And thus was accomplished one of the most beneficial conquests recorded in history; for the barbarians of the Rhine, corrupted by long intercourse with the Romans, had lost many of the virtues derived from their ancestors.⁴ Still later, the high clergy, mostly chosen from among the high hierarchy, created mischievous alliances between the bishop and the fief, and employed the secular power as a constant auxiliary to religion. It also too often placed religion at the service of secular passions. The moral influence of the bishops was thus greatly diminished, but the loss was amply made up by the religious zeal of the lower clergy. The monks continued the apostolate of the first centuries, and also remained the depositaries of the sciences and literature.⁵ Stimulated by the virtues of the cloister, and placed in immediate contact with the people, the vicars every day conquered souls by the power of their teachings and good example. The two clerical orders infused a spirit of charity into the leading classes but little known to the ancients, and they extended the work of the primitive apostles to the lowest ranks of society.

³ This tutelary list, replenished by St. Loup of Troyes (400 to 478), and by St. Remy of Rheims (439 to 533), toward the first kings of the Franks, was continued by their successors St. Germain of Paris (496 to 576), St. Gregory of Tours (539 to 596), and contemporary bishops. In his *Récits des temps Mérovingiens*, Augustin Thierry has often referred to details of the manners of the times.

⁴ Thus, for example, the Franks had lost their regard for chastity at the time of the invasion, but they had preserved the family influence, and especially that of parental authority. (A. THIERRY.)

⁵ The Count de Montalembert has, in one of his works, described the great services rendered by the monks of that period, and, of these, furnished the following resume: "In less than a century after the death of St. Benedict (in 583), all that the barbarians had conquered from civilization had been regained. And, still more, his children (the Benedictines) were prepared to carry the Gospel beyond the limits which the first disciples of Christ had been able to reach. The West was saved; a new empire established, a new world begun." (*Les Moines d'Occident*.)

They propagated in all bosoms those sentiments of fraternity and equality pointed out by reason and justice, and thus conciliated the general interests of all classes. Without occasioning any shock, and without the Gallo-Romans—rich and poor, masters and servants—being sensible of the change, they produced the greatest revolution which had ever been accomplished in the heart of humanity. They, in fact, in that middle age, created an entirely new social order, and infused a new spirit, the origin of which has, by many contemporaries, been unjustly accredited to the present day.

The Franks, after having acquired the soil by force and subjected it to sovereign authority, introduced into the territory of Gaul two elements essential to the regeneration of a country. By their own practice, they restored those sentiments of personal independence and individuality, which the absolutism of emperors stifled in all classes among the Romans, and among those they had conquered. According to the custom of their race, they entertained a contempt for city life, and by living in the country, established there local liberty. This put an end to the oppressive domination exercised by the urban classes under the regime anterior to the decline (§ 13). The kings of the Franks, in particular, soon established themselves upon their rural domains, surrounded by servants and tenants skilled in husbandry, and others of the useful arts.* Im-

* A. Thierry has shown himself familiar with the spirit and manners of that epoch, in his reflections upon the chronicle of Gregory of Tours. He there describes, in charming language, the rural residences of the Franks. The following phrases, placed at the commencement of his first account of the Merovingian times, refers to some of these. "A few leagues from Soissons, upon the borders of a small river, is the village of Braine. This was one of those immense farms where the Frank kings held their courts, and which they greatly preferred to the finest cities of Gaul. The royal abode exhibited none of the military aspects of the chateaus of the middle ages." The writer who by the force of his researches has summed up in a few pages the daily life of a lord and his tenants, in his rural residence, in the thirteenth century,

itated by the Leudes, and afterwards by all the social authorities who took part in the feudal system, this practice was one of the principal causes of that material prosperity and moral grandeur for which the thirteenth century was distinguished. The new leading classes formed by the insensible fusion of the Franks and Gallo-Romans, in no long time gave rise to French institutions and manners, the clergy, meanwhile, effecting a modification of their sentiments and ideas.

The monarchy came, in its turn, to co-operate in the work of regeneration and complete the institution of feudality. Public peace was sufficiently secured in domains dependent upon one fief, and in the manors appertaining to the sovereign lords, which existed in great numbers in the territory of France. But war frequently broke out between the small sovereignties, so that these, especially the weakest of them, became interested in the adoption of some measures for securing permanent peace. This great result was gradually attained for the larger portion of France, through the establishment of a feudal monarchy, which at first was but a sovereignty superimposed above all others. This new regime bore all its fruits when the power of the king of France was accepted by his great vassals, without any loss of authority which they could advantageously exercise by these, and without the smallest locality ceasing to report directly to its lord.

This great epoch of good usages and internal peace and prosperity reached its climax during the reign of Saint Louis (1226 to 1270). France then exhibited the well-developed germs of the best institutions which, up to that time, had ever been created by human societies. Families

must completely change the opinions held in regard to that epoch, which so many writers have calumniated without knowing anything about it (§ 11, n. 1), and done this with the approval of absolute kings of the Renaissance, and, more especially, of their habitual advisers and legislators.

became well organized in the greatest part of France, in accordance with the two best types,⁷ and these, during the feudal hierarchy, enjoyed an independence which, in our own time, with the presence of ministerial and fiscal officials and bureaucracies, many families would be happy to possess. The smallest communes then possessed an autonomy to which our largest cities to-day dare not aspire.⁸ The rural

⁷The patriarchal family (§ 6) was especially established among the rural tenants. It is from this epoch that so many excellent families derive their dates, such as the farmers of Limousin, of Berry, of Morvan, and other elevated districts. These remained almost intact at the period of the Revolution, in all places where the proprietors continued to reside. Since that time, nine-tenths of those families have been disorganized by the operations of the Civil Code and ministerial officers, by forced conscriptions and the attractions of city life. May it please God to stay the destruction not yet completely accomplished when the time of reform shall have arrived, and that, as a consequence, the statesmen who will have the happiness to produce this reform may be able to judge from direct observation, how much the two types of the Middle Age were superior to the unstable type created by the Revolution! As to the authority due to the head of the family (*La famille-souche*, § 6), it will be especially established among proprietors of all ranks. It has withstood the Revolution better than the patriarchal family, and it offers still more numerous models to reformers.

⁸On the subject of the communal establishments of the Middle Age, reference may be made to the interesting monograph of Beaumont-en-Argonne (Ardennes), published by the Abbé Defourny, curate of that commune.

The Commune of Beaumont has been regulated during six centuries, by a charter voluntarily bestowed upon it in 1182, through the sovereignty of William of Champagne, Archbishop of Rheims, and which Charles V., King of France, cessionary in 1379 of the rights of the archbishops, engaged to respect. By the terms of this charter, imposts of a very light kind are established in perpetuity. Individual liberty is guaranteed. Every year the bourgeoisie elect their municipal magistrates, who govern the commune, exercising civil and criminal justice, and giving authenticity to contracts. The elections connected with the affairs of the commune are held in the place where the parish church stands, the assembly being composed of the mayor, magistrates, and forty of the most intelligent bourgeois.

The lord of the manor seldom interferes in this little government. His prerogatives are limited to the nomination of a jury, which, in concert with two others chosen by the bourgeois, watch over the disbursement of funds derived from the seigniorial revenues, for the defence and embellishment of the town, expenses of entertainments given on certain occasions, and lastly, in receiving the oaths of officers newly chosen. As to his obligations, they consist in defending the commune

laborers, exempt from all personal dependence,⁹ were linked to their employers by permanent engagements equally bind-

against foreign enemies, without requiring military service from any of the inhabitants longer than twenty-four hours.

Over all parts of the territory not immediately embraced within the limits of the seigniory, the bourgeois have the free and gratuitous enjoyment of all the spontaneous productions of the soil, the forests, and streams, upon certain conditions necessary for the preservation of public order. Fish, the gleanings from the forests, the wild fruits and flowers, furnish to families, especially those most needy, precious supplies for nourishment, as well as for building, furnishing, cleaning, and warming their dwellings.

Such was the high degree of liberty and welfare enjoyed by the bourgeois of Beaumont, which attached them so strongly to their municipal organization. At a meeting of the States of Vermondy in 1556, to take into consideration a revision of the Customs of the province, they firmly expressed their preference for the franchises contained in their charter; and in the eighteenth century they resisted, with an energy worthy of better success, the impious encroachments and contempt of Customs taught by royalty in France, to be succeeded by the spirit of the Revolution.

It cannot hereafter be objected, that the constitution, of the principal traits of which I have just given a sketch, only existed in the Middle Age as an exceptional case. The other urban constitutions were, in general, established upon the same principles. The law of Beaumont itself was granted by the seigniorial lords to a great number of towns in the northeast of France, and it appears that in the seventeenth century more than five hundred communes were registered. [See *la Loi de Beaumont, Coup d'Œil sur les libertés et les institutions du moyen age*. Rheims, 1864.]

Among the works which best describe the institutions of the Middle Age, and which demonstrate that the urban communes enjoyed during that epoch an independence which those of our own day might envy, I refer all those desiring further information upon the subject to the History of the Commune of Montpellier (Herault), by M. Germain. I will also refer to an excellent monograph, in which M. L. Charles describes the admirable institutions which, in the Middle Age, were enjoyed by the bourgeois of Ferté-Bernard (Sarthe). This description shows us a small village, holding in right of its founder, with its own resources, a magnificent church, with places for instruction and other appendages, which cannot be kept in repair in consequence of the pretended regime of protection imposed by the State. M. Charles tells us at the same time, that the chartered privileges of this small village were terminated under the tyrannical reign of Louis XIV.

Like M. A. Thierry who inspired him to write, M. Charles declares, that in what relates to national history, it is necessary to change public opinion entirely. "During a long time," he says, "nothing but the infirmities in our old histories have been unveiled. It is now time to search out the facts which redound to the honor of the times." (*De l'Administration d'une grande communauté d'habitants du Maine*.)

⁹"With the exception of some isolated facts, we have vainly sought,

ing on both parties, as well as by other practices essential to Custom as established in places of labor (§§ 20 to 25).

In the inferior fiefs of the barony, where a complete unity, fitted for local government, existed, as also in the more extended limits existing between the barony and the State, there prevailed all the independence compatible with the preservation of social order. As to the sovereign

in Normandy, for traces of that antagonism which, according to late writers, reigned in the Middle Age between the different classes. The relations maintained by the lords with their subjects are not liable to the charge of arbitrary violence often ascribed to them. The peasantry were soon favored with liberty, and since the eleventh century, serfdom has disappeared from our country. After that epoch some remnants of it were left, but the greatest number of those who remained were entitled to a share of the fruits of the earth. In all cases, the obligations, whether real or personal, were well defined in the charters and customs." (LÉOPOLD DELISLE, *Études sur la condition de la classe agricole et l'état de l'agriculture en Normandie aux moyen âge.*)

Those who have given their studious attention to the ancient conditions of European peasants, without suffering themselves to be led away by the political prejudices prevailing in our time, have all come to the same conclusion. Persons who, in that respect, have adopted without full investigation the prejudices of the Revolution, will renounce these inveterate errors, if they will take the trouble to turn back, under direction of competent authorities, to well authenticated sources. I may here especially refer to the fine works of M. Guérard, upon Ancient France; M. de Maurer, upon Germany; and the Abbé Hanauer, upon Alsace. These, in their faithful pictures of the past, show us the peasantry deciding for themselves, by jury, both their civil and criminal affairs, paying small imposts, establishing without control the taxes and local expenses, having, in fine, above their lords, independent ways which no class of society on the Continent dare assume at present before our European bureaucracies. (*La Réforme Sociale.*)

In support of the opinions of these special historians, we may cite the following account of Joinville, in reference to the arrangement which he made with his vassals, when he took his departure for the Holy Land. "At Easter, in the year of grace 1248, I summoned my men and fiefs, at Joinville, and then said to them: . . . Gentlemen, I am going beyond the sea, and do not know whether I shall ever return. Now come forward, and if I have ever wronged you in any manner, I will make reparation to one after the other, as has been my custom without its being demanded of me or my people. I will render such restitution as will meet the approval of all the inhabitants of my estate; and that I may not exert my influence over them, I will leave it to the decision of a council, and without argument submit to any decision it may make." (JOINVILLE, *Histoire de Saint Louis.*)

placed at the summit of this powerful hierarchy, he found himself bound to his subjects by imperious obligations.¹⁰ He protected the country against aggressions from without, and preserved public peace within.¹¹ He also gave judgment when appeals were made to him in regard to certain decisions rendered by inferior jurisdictions. In his intercourse with the gentry, he moreover adhered to the original tradition of equality maintained by the Franks. In accordance with this tradition, he associated them in the government of the State, and in the annual assemblages of the barons designated as the most important laws those which contributed most to the practice of the Decalogue.¹² Lastly, he, with the governing classes, gave personal examples of its practice.¹³

¹⁰ (*Les Coustumes du pays et comté du Maine.*)

¹¹ St. Louis taught his oldest son the duties of royalty in the following words: "My dear son, I wish you to make the people of your kingdom love you; for truly, I would rather a Scotchman came from Scotland and governed the people well and loyally, than that you should govern them badly." (Joinville, *Histoire de St. Louis.*) Blanche of Castile, mother of St. Louis, often said to him, "that she would rather see him dead, than see him commit a mortal sin; and that if he ever found himself in a situation in which he could not escape with life but by committing a mortal sin, she would rather he should die than subject himself to the loss of his soul by offending his Creator." (Lenain de Tillemont, *Vie de St. Louis.*)

¹² "He published by the advice and general consent of his barons, a celebrated ordinance upon the duties and obligations of bailiffs and other officers of justice. In it he forbids all his subjects from committing blasphemy, fornication, and frequenting taverns, excepting travellers. One of the principal things which St. Louis did for the good of France, was the institution of parliaments. These he caused to be held every year, — after Pentecost, All-Saints, and Candlemas."

Conforming himself to all the usages of religion, St. Louis firmly opposed all irregularities of the clergy. He refused to strike with the secular arm even those who had been excommunicated, but whose crimes had not been substantiated by his own decision: "I will give you an example of this in the case of the Count of Brittany, who had pleaded seven years with the prelates of Brittany, all of whom were under sentence of excommunication, and had done this so well that the Pope condemned them all. If, he said, I had compelled the Count of Brittany to obtain his absolution in the first year, I should have committed a sin against God and himself." (JOINVILLE, *Histoire de St. Louis.*)

¹³ At that period, the leading classes in France exhibited an example

The prosperity of the Middle Age, owing mainly to the influences of practical Christianity, was moreover promoted by the spirit of rivalry which, from the invasion of Spain by the Arabs (in 710), never ceased to reign in the West between the Christians and Mussulmans. The strife carried into the East by the Crusaders had a less beneficent tendency. The impulse given to ideas by that displacement of men was ultimately found overbalanced by the corruption created among the Crusaders in the East, and by the oppression which, in the absence of their natural protectors, weighed upon the populations of France.¹⁴

To sum up, feudal society, enlightened by the emulation of the monks and laymen, stimulated by the rivalry subsisting between the Mussulmans and Christians of the West, enriched by agriculture and the industries of city communes, and finally fortified, both morally and physically, by the predominance of rural residences, created a constitution more substantial and free than had ever existed in times past.

of moral perfection which at the same time was wanting in the Court of Rome, owing to the pernicious influences of wealth and power (§ 15). Joinville in these words gives an account of the farewell which he took of the Pope's legate, in 1254, at the moment when St. Louis was leaving for his pilgrimage to the Holy Land. "The legate then requested me to accompany him to his hotel. On arriving there, he closed the door of his apartment, sat down, took both my hands in his, and began weeping violently. When he became sufficiently composed to speak, he said to me: 'Seneschal, I feel myself too happy, and I give God thanks for the escape of the king and other pilgrims, from the great dangers by which you were surrounded, while you were in that country. I am sorry to the bottom of my heart, that it is necessary for me to withdraw myself from your holy companionship, and go to the Court of Rome in the midst of the disloyal people who are there.'"

¹⁴ The following reasons were assigned by Joinville for declining to engage in the disastrous second crusade, undertaken by Saint Louis: "I was much pressed by the king of France and the king of Navarre to enter upon the crusade. My reply was, that I had already rendered service to God and the king, beyond the sea, and that since my return, the sergeants (of the two kings) had caused so much destruction among my people, that no time could arrive when I and they would be willing to fare worse. I also told him that if I wished to act in obedience to the will of God, I should remain where I could aid and defend my own people." The true spirit of the Middle Age is shown in this reply.

Feudal institutions among the French acquired under the reign of St. Louis the highest degree of perfection ; and they prevailed, with similar characteristics, among all the nations of Western Europe. They were developed in England, where they ended in constitutional monarchy, that is to say, a form of government which great nations now take as a model. In France, the results have been different. Under influences which I shall point out in the three succeeding paragraphs, the French have continually marched towards absolute monarchy. The pretended progress, which, according to the common declarations of historians, date from the last of the Valois, from Louis XIV. and the revolution, has had no other end but that of imposing upon all degrees of social life the powers of the governing and submission of the governed.

§ 15.

FOURTH PERIOD (1270-1589): — THE DEGENERACY OCCASIONED BY CORRUPTION AMONG THE CLERGY AND IN THE MONARCHY, UNDER THE LAST OF THE VALOIS.

The strength of the feudal regime shows itself in the fact, that a multitude of men maintained, even in the smallest subdivisions of territory, all the initiatives suggested by a spirit of independence, rendered effective by a good moral law and an energetic will. Its weakness resulted from the common absence of proper guards and agencies to watch and restrain the first movements. The people often suffered from the absence of authority during the ages which followed the invasions of the German races. In the midst of their sufferings they naturally conceived lively sympathies for two institutions which successively gained control in the organization of local authority, namely, the Church, which, tempering force by the spirit of charity, inspired the hearts of the *élite* with sublime devotion to chivalry ; the

monarchy which secured public peace by grouping together the scattered forces, and establishing the royal prerogatives and proper legislative assemblies. But in trying to steer clear of one rock, the people soon struck upon another. Exaggeration and abuse, weakened under feudal authority, were greatly developed among the auxiliaries of the Papacy¹ and the feudal monarchy. From the ninth to the eleventh century, the Popes were instigated by public opinion to intermeddle with temporal affairs, and domineered more and more over sovereigns and laity. The corruption of the clergy increased in the same proportion as they gained power (§ 14, n. 13). Certain ecclesiastical authorities were in the habit of relying upon the strength of the secular arm for the protection of their doctrines, instead of that eloquence and virtuous example employed for the same purpose by their predecessors. The admirable resources, both moral and physical, which had been created through the influences of Christianity, were in part neutralized by the formidable enterprises of the German emperors against the Papacy, by Mahometan invasion, by the machinations of the Antipopes, by the disorders incident to the crusades, and by the cruelties created by attempts to suppress heresies.

At sight of these evils, the people lost all recollection of the benefits which they had at first expected from an introduction of clerical authority in the temporal govern-

¹Some who are versed in ecclesiastical history may object, that the criticism addressed in this paragraph to the clergy, does not take account of the services it has never ceased to render, and which are little opportune in the presence of the violent attacks of the sceptics of our day. I cannot feel myself obliged to submit to this objection. Far from it; the more I reflect upon the part performed by religion in aiding to restore that social reform which has been looked for during the last eighty years, the more reason do I find for approving the plan which I have adopted. To elevate themselves to the height of their social duty, Catholics have special need to know the services rendered in times of prosperity (§§ 14 and 16), and the faults committed in the times of degeneracy (§§ 15 and 17). As to any omissions and errors which I may have made in the course of this summary sketch, I shall cheerfully endeavor to correct such of them as may be pointed out to me.

ment of States. They reposed all their hopes in feudal monarchy, and these increased singularly towards the close of the thirteenth century, when the reign of Saint Louis had shown the happy influences exerted in things connected with temporal affairs, of laical authorities wisely balanced, under due submission to the precepts of the Decalogue and the Gospels (§ 14). But there again, serious miscalculations supervened. The successors of Saint Louis had no respect for those local privileges which had created the grandeur of feudality. Misled by false interpretations of law, they destroyed the local governments which it was their duty only to control, and assumed more and more that spirit of absolutism which existed with the Roman emperors. The corruption of the governing authorities reappeared with this sad condition of affairs, and the mischief was completed by the introduction of absolutism in the clergy. Under these combined influences there ensued a new decline which lasted during three centuries.

Thus, as it had previously happened, the characteristics of this fourth period of our history made their approach imperceptibly. Just as the seeds of reform had slowly germinated in the midst of the Gallo-Roman decline, the symptoms of a relapse were often exhibited in feudal societies in the midst of apparent prosperity. As in all times, the evil inseparable from human nature was perpetuated in civil wars and foreign expeditions. Since the beginning of the fourteenth century, corruption was at the same time inoculated into the social body by the clergy, whom the people had enriched, and by the kings and counsellors who had been elevated to authority in order that they might temper down any abuse of feudality.

The Roman Church, which during nine centuries had been an example to the world, became, little by little, one of the centres of contagion.³ Its irregularities sometimes

³ Saint Bernard, says Bossuet, mourned all his life under the evils

reached a veritable condition of disorganization, as, for example, during the contests prevailing on the election of the Popes. Clerical corruption spread itself in France in spite of the efforts or the protestations of Saint Bernard (1091-1153), of Innocent III. (1161-1216),⁴ of Cardinal d'Ailly (1350-1420), and of Dr. Jean Gerson (1363-1429). The evil introduced by the ecclesiastical dignitaries was gradually propagated, and in the middle of the succeeding

existing in his church. He announced this continually to the people, the clergy, the bishops, and even the popes. The Church of Rome, which for nine entire centuries had, by an observance of exemplary exactitude of ecclesiastical discipline, maintained itself with all its power throughout the universe, was not exempt from evil, and at the time of the Council of Vienna, a great bishop, appointed by the Pope to prepare subjects which might be brought forward for consideration, said that it was necessary to *reform the Church in its chief and in its members*. The great schism, which occurred soon after, recalled attention to these words, not only among individual teachers such as Gerson, Pierre d'Ailly, and other great men of the day, but to the councils, and they were particularly considered in the Councils of Pisa and Constance. It is well known what took place at the Council of Basle, where the subject of the Reformation was unfortunately left out. Cardinal Julien represented to Eugene IV. the disorders existing among the clergy, especially those of Germany. "The clergy," he said, "are incorrigible, and are not willing to have any remedies applied to remove their disorders. The minds of men are waiting to know what will be done, and they seem to be meditating upon the speedy arrival of something tragical. They will soon believe it a duty to God to make an agreeable sacrifice by maltreating and despoiling ecclesiastics as men odious to God and man, and plunged into the lowest depths of evil. The little respect which remains for the sacred order begins to be lost. They attribute these disorders to the Court of Rome, which they regard as the cause of all their troubles, since it has neglected to apply the proper remedies."—"St. Bernard," continues Bossuet, "proves that the Church can say, with the prophet Isaiah, that *its bitterness the most bitter and most grievous is in peace*. Whilst at peace on the side of infidels, or at peace on the side of heretics, it is most dangerously assaulted within by the evil manners of its own children." (*Histoire des Variations des églises Protestantes*.)

⁴ Lothaire Conti was born in Italy, but he completed his studies in the University of Paris, and maintained its doctrines. Becoming Pope, under the title of Innocent III., he made vain efforts to reform the Roman Church. On opening with solemnity the fourth Council of the Lateran, he dwelt energetically upon the causes of evil, saying that all the corruption of the people came specially from the clergy." (*Histoire d'Innocent III., par Hurter*.)

century it had invaded the mass of the two clergies.⁵ The spectacle of such disorders greatly contributed to the success of the Protestant reform (1530-1540). Men of ardent temperaments became Huguenots in order to restore the reign of good; but in carrying out this design they furnished many others with an excuse to disturb social order in their own interests; and hence came the violent passions, wars, and massacres for which this melancholy epoch was distinguished. As to the moderate people, they were indignant at the scandals committed in the name of religion, equally by Catholics and Protestants, unworthy to be called Christians. Little by little, revolted reason gave place, among them, first to doubts and next to scepticism, the tradition of which had been lost to our race from the dissolution of the Roman Empire. Such were the mental influences prevailing when Michel Montaigne wrote his *Essays* (1572-1580), and Pierre Charron his *Treatise on Wisdom, De la Sagesse* (1601).⁶

In Italy, all the leading classes aggregated in cities, where they indulged in the pleasure of erecting splendid residences. They became associated with the clergy in their irregularities. In Rome, Alexander VI. (1492-1503) and the Borgia, misusing the revenues of the Roman State, and the offerings of Christians, had re-established in the West the corruptions of Paganism.⁷ At Florence, the Medici, the nobles, and the Borgia, enriched by an extensive commerce, in their turn took the lead of the other cities of the peninsula in luxury and debauch.⁸

⁵ The life and writings of Rabelais, and the favor which they received from his ecclesiastical superiors, are well-known testimonials of the looseness of manners which prevailed among the clergy of France, in the epoch when that famous curate of Meudon wrote *Gargantua* (1533-1553).

⁶ *De la Sagesse*, in three volumes, by Pierre Charron, Parisian doctor of laws, according to the true copy published at Bordeaux (1601) to serve as a sequel to the *Essays de Montaigne*.

⁷ The vices of this deplorable court have been often described, and particularly in the *Histoire de Charles VIII.*, by C. de Cherrier.

⁸ "The Florentines led a life of dissipation, thinking only of some

In France, the kings, with their apanages, the princes and their courtiers, established in cities, often gave the worst examples of vice witnessed since the first debut of this epoch. But the mass of the nobility, faithful to their rural habits of life, continued to maintain excellent manners up to the end of the fifteenth century.⁹ Equally prepared for the fatigues of war or the labors of agriculture, and also enjoying complete independence,¹⁰ it often excited the admiration of travellers who visited France at that period. It furnishes an explanation of the profound perturbation which, during the wars carried on in Italy by Charles VIII., Louis XII., and Francis I. (1494-1525), affected the minds and morals of young gentlemen who had been brought up under the rigid discipline of rural life. After the first campaign, the reputation which had existed among the Italians in regard to the strict morality of the French noblesse, was no longer remembered,¹¹ for, during

means by which they could divert attention from the political regime they had established. The youth lived in idleness, spending their time and fortunes in sumptuous repasts and vain pleasures. Richness in dress, gambling, women, frivolous conversation, occupied their time exclusively." (Machiavel, quoted by M. C. de Cherrier, in his History of Charles VIII.)

⁹ Bayard (1476-1524) was, at this time, the type of an accomplished French gentleman. Historians, when restored to a true sense of their mission, will one day be able to point out many others. The chronicler of the *Loyal Serviteur* gives a charming picture of the family of Bayard, and describes the admirable manners which were preserved in the fifteenth century within the unpretending residences of the rural noblesse.

¹⁰ "To speak the truth, our laws are easie enough, so easie that a gentleman of France scarcely feels the weight of sovereignty pinch his shoulders above twice in a lifetime. For a man who loves his own fireside and knows how to govern his household, without falling by the ears with his neighbours, or engaging in family affairs without quarrel or lawsuits, is as free as the Duke of Venice." (MONTAIGNE, *Essays*, Vol. C., xlii.)

¹¹ "Throughout Italy, the inhabitants showed no disposition to oppose us, if, on the side of the king, affairs had been conducted with order and without pillage. But the contrary of this happened, to my great regret, and for the loss of that honor and reputation which might have been gained by the French nation in this campaign. The people

their sojourn in Naples, Charles VIII. and his soldiers came to surpass in viciousness those by whom they had been inoculated. They became scandalized not only for their corrupt habits, but for their arrogance.

In the proud and gay courts of Francis I. and his successors the vices brought from Italy by the army were developed. The evil was aggravated by alliances formed with the Medici, and by drawing around them a colony of Italians. At the same time, the last of the Valois and their courtiers contributed much more than the clergy to destroy the virtues impressed upon the French race during eight centuries of moral progress (§ 14). This double influence it was that gave rise successively to oblivion of the Decalogue, and a return to Pagan ideas; to a system in which adultery was associated with all the other vices of private life; to indifference in regard to those sentiments of liberty and personal dignity which the Franks had introduced into the nation;¹² to the disorganization of public life, occasioned by political and religious wars; to the in-

at first regarded us as saints possessed of good faith and kindness. But such impression did not last long, owing to our irregularities and pilagings; so that our enemies denounced our people everywhere, charging them with taking women by force, together with money and other property, wherever these could be found. These severe charges against us came from Italians, of all other people the most jealous and avaricious. As to their charge concerning their women, they lied; but in regard to the other matters there was some foundation." (PHILIPPE COMMINES, *Memoirs, etc.*) The daily asseverations now made of the absolute superiority of present times to times past, will occasion little of that inquietude felt by Commynes, in view of the bad example set by our nation to other people. And yet it is only sufficient to look through a few pages of Joinville and Commynes to establish how much the moral sense had been reduced from the thirteenth to the sixteenth century.

¹² "Contrary to the forms of our times, and the especial liberty enjoyed by the noblesse of this kingdom, we keep ourselves uncovered a very long time in the presence of our kings, wherever they may be." (MONTAIGNE, *Essays*.) These manners of the sixteenth century are in contrast with the agreeable familiarity which was maintained between the king and his nobility in the reign of Saint Louis (§ 14). They, nevertheless, leave to the noblesse a dignity and independence (note 10) which Louis XIV. took from them (§ 17).

terference of the king of Spain and the Pope during intestine contentions; to schism, followed by scepticism; and, finally, as the highest conclusion of epochs of decline, to the fall of the dynasty.

§ 16.

FIFTH PERIOD (1589-1691):—PROSPERITY OWING TO THE RIVALRY BETWEEN THE CHRISTIAN CHURCHES, IN THE REIGNS OF THE TWO FIRST BOURBONS.

Two reparatory reigns nearly filled up the abyss which had been opened by three centuries of decline, and restored France to prosperity. The two first Bourbons were far from possessing the four groups of qualities necessary to sovereigns who, succeeding to a long epoch of corruption, should have contended against subversive passions, and appealed to a regime of constraint (§ 8). Neither of them had the virtue, the perspicacity, or the energy of their grandfather, Saint Louis. Both, however, possessed sound judgment, which they employed to supplement their own deficiencies in selecting able men for their advisers, and maintaining them in power, notwithstanding the intrigues of courtiers or shocks to their own pride.

Henry IV. (1589-1610) possessed a high degree of sagacity and energy. He retained throughout his life the corruption which he had contracted in the court of the last Valois;¹ but in selecting men to assist him to carry on his government, he showed a strong preference for those who were distinguished, not only for talents, but for their personal virtues.

Thanks to the counsels of his intelligent collaborators,

¹ A work recently published discloses many things going to show a complete absence of the moral sense in this great sovereign. (See the *Journal de Jean Héroard sur l'enfance et la Jeunesse de Louis XIII.*, par MM. Soulie et de Barthélemy.)

the king, during the first ten years of his reign, succeeded in completely restoring the internal affairs of the kingdom. Little by little, he put an end to the interference of strangers, that is to say, to one of the most prominent symptoms of decline. Afterwards, by a combination of force with adroitness, he succeeded in putting down the civil war. He dried up the sources of social strife and of scepticism by encouraging the restoration of practical Christianity; and this end he accomplished by allowing, for the first time in a great Catholic State, freedom to dissenters. The Edict of Nantes (1598) was the crown of the edifice dedicated to internal peace. This, for a while, gave guarantees to the Protestants, due to them for the sufferings and massacres to which they had been subjected. But these guarantees being founded upon principles regarded as incompatible with the security of the State, were suppressed in the following reign. Notwithstanding its organic defects, the Edict was almost immediately followed by inestimable benefits. It led, through salutary emulation, the two rival religions to apply themselves to the practice of their principles, and it re-established among the superior and leading classes the observance of the Decalogue.

During the second half of his reign, the king devoted himself more especially to the restoration of his foreign affairs, which had become greatly deranged by the disorders of the League. He was constantly inspired by two principles derived from a spirit of justice, and the observance of which will always secure to great nations a legitimate ascendancy. Under all circumstances he showed a true respect for the independence of small nations, and was ever ready to unite with them in repelling invasions from more powerful neighbors.

Louis XIII. (1610–1643) in his most tender age gave extraordinary evidences of his judgment and virtue. History has not, up to the present day, shown in any sovereign.

such a precocious disposition to practise the moral law. On all occasions he exhibited his contempt for vulgar manners, such as had been propagated by the Valois, and he inveighed against them with incredible severity, even among the women who had charge of him in his infantile age. He was naturally inclined to pay reverence to God. Receiving with repugnance the concubines and bastards which had been transmitted to him with his crown, he was nevertheless impressed with a proper sense of respect and admiration for his late father and king. During all his life he exhibited an example of chastity, and produced in his court a reaction against the manners prevalent in the preceding reign.[†] He thus contributed to that intellectual and moral reform[‡] accomplished in the midst of the society of that epoch, by Madame de Rambouillet, her celebrated daughter, and the noble ladies who by the influence of intellect, grace, and virtue, governed the establishments of Ram-

[†] Saint-Simon recounts an anecdote related to him by his father, one of the familiars of Louis XIII., which throws a strong light upon a virtue that would appear still more admirable if its history had been recorded more frequently by the true social authorities rather than by mere literary men (§ 10). One of his courtiers having received assurance of a passion entertained by the king for Mademoiselle de Haute-forest, one of the queen's attendants, and venturing to offer his intervention, the courtier, says Saint-Simon, received a lively reprimand, which took him like a thunder-clap. "It is true," said the king to him, "that I love her, that I seek her company, talk with her voluntarily, and think still more about her; it is also true that all this comes to me in spite of myself, and because I am a man and possess the usual weakness of a man. But the more easy my position as king renders it to indulge my passion, the more I should be on my guard against sin and scandal. I pardon you this time in consideration of your youthfulness, but if you wish to preserve my esteem, let me never hear from you a similar discourse."

[‡] M. Cousin has adopted a similar opinion in regard to the beneficial influence exerted by Louis XIII., and given it expression in the passage in which he enumerates the maxims of chaste gallantry which regulated the Hotel de Rambouillet. A maxim which would have excited ridicule in the reign of Henry IV., would not have done so with the chaste lover of Angelique de la Fayette, and of Marie de Haute-forest, at a time when the victor of Rocroy disdained all complying beauties, out of regard for the pure and virtuous Mademoiselle du Vigan." (*La Société Française au XVII. Siècle.*)

bouillet, de Longueville, de Condé, d'Albert, and la Rochefoucauld. Unfortunately, a defective education and a morbid constitution interfered to prevent the development of the perspicacity and energy which so often exhibited itself in the king. But he possessed the rare merit of delegating his authority to Richelieu, and to retain him in power with equal firmness and self-denial. By the advice of the dying Richelieu, he afterwards attached to himself Mazarin, to whom he left, by his will, the direction of the Regency which governed France during the minority of Louis XIV. (1643-1651). He thus secured, until the death of Mazarin (1661), a continuation of the best traditions prevailing during the two reigns. The greatest institution of Louis XIII. and Richelieu was the Decree of Tolerance, (*l'Edit de Grace*,) (1629). This, after the capture of Rochelle, took from Protestants the right of revolt, but left them in possession of all other liberties which they could employ to advantage. Never did a sovereign who had subdued a rebellion use his victory with a greater degree of intelligence. Here, as elsewhere, moderation united with force, shows itself, as always, fruitful in good results.

Under the reign of Louis XIII., as well as in the preceding periods of prosperity (§§ 12 and 14), religious principles were the true moving powers to all successful progress. This fact had a particularly characteristic evidence in that reform which almost immediately ensued, and it was easy then, as it has ever been, to join to the first cause the four great results which simultaneously produced themselves towards the middle of the seventeenth century.

The Protestants, no longer having the power to disturb the State, or the hope of receiving any favors from the court or support from the State, devoted themselves with unheard-of ardor to gain an influence through the pursuits of agriculture, manufactures, and other useful occupations.

On their side, the Catholics, little by little, though at considerable intervals, followed the example set by the Protestants. This emulation tended to pacify their minds, in an epoch when the British government and German States, less just and less intelligent than Louis XIII. and Richelieu, excited religious discords among their people. This rivalry soon led to a development of labor and wealth which Europe had never before known.

The emulation kept up by the peaceful discussion of dogmas and principles was more ardent, and also more particularly favorable to the Catholics.* It raised up among the latter a multitude of eminent individuals, among which the most brilliant were Francois de Sales, Vincent de Paul, Jeanne de Chantal, Olier, de Rance, and Bossuet. These conferred upon the Church of France a sanctity and an eclat which had never been known since the times of St. Louis and of Saint Thomas Aquinas.

The armies of France associated with their glory the merit of propagating the principles established by the two first Bourbons. In concert with the Swedes, they extended these benefits into Germany, and, in spite of the house of Austria, they established religious liberty, and the independence of the smaller States. It was devotion to such grand principles that led to the elevation of so many illustrious soldiers, at the head of whom shone Turenne and Condé.

The mixture of liberty, discretion, and emotion which characterized the religious controversies of that era, singularly contributed to elevate the minds engaged in it, and to rouse that rivalry which led to admirable social relations. Gassendi, Peiresc, Fermat, Pascal, and Descartes made extraordinary appeals to the conscience. Malherbe,

* I have searched in vain among the Protestants for a single celebrity comparable to those developed among their rivals. Then, as at all other times, free discussion was always favorable to the ruling power.

Corneille, La Fontaine, Molière,¹⁰ Boileau,¹¹ Racine,¹² Ant. Arnauld, Lemaistre de Sacy, Nicole, Flechier, and Bossuet,¹³ gave the highest degree of perfection to French literature. Finally, eminent ladies of the time, the graces and virtues of whom have been often celebrated, grouped under their gracious patronage the representatives of all who were contributing to the grandeur of the epoch. They established social harmony upon literature, science, and the practice of the virtues. They communicated to the French mind ideas of grace and propriety, and thus introduced into social manners that tolerance which laws had already established in the governing classes. Under these different relations each of their salons attained the importance of an institution.¹⁴ It was then that the directing classes

¹⁰ Molière, born in 1622, was in his fortieth year when Mazarin appeared to illuminate the fourth period, and he died in 1673. He therefore composed a part of his works for a society under the influence of the Edict of Tolerance (*l'Edit de grace*), and of the manners prevailing at the Hotel de Rambouillet.

¹¹ Boileau, born in 1636, wrote his first satires at the Hotel de Rambouillet.

¹² Racine, born in 1639, composed most of his works before the establishment of the Court of Versailles, 1682. Racine attached himself to this court for which he wrote two of his chefs d'œuvres, *Esther* (1689), and *Athalie* (1691). But he was always in opposition to the heathen spirit which the scandalous acts of the king caused to prevail. Racine preserved those principles which he had imbibed at Port-Royal (1656-1659), and he died in disgrace (1699). Louis XIV. devoted the close of his reign to a persecution of the Port Royal dissenters: in 1711 he destroyed their college, and would not even permit the ashes of Racine to remain there in peace.

¹³ Bossuet lived up to the year 1704, and composed many important works after the establishment of the Court of Versailles. But he was born in 1627, and in 1643 made his debut sermon at the Hotel de Rambouillet. His fame was completely established nineteen years later, and after the death of Mazarin.

¹⁴ Two gentlemen from Holland, who visited Paris in 1657, drew the following comparison between the ladies of that city and those of their own country: "M. de Rhodet took us one evening to visit one of his relatives named Madame de Longschamps, wife of one of the equerries of the Duke d'Anjou. She is young and very pretty, and we found her conversation so very agreeable that . . . we remained with her four good hours. — The difference is so great between the manners of the ladies of condition living in this city and those from whence we

of Europe, under the influence of a just sense of admiration, adopted the language, the ideas, and the manners of France.¹⁵ Happy would it have been for our country, if Mazarin, vanquisher of the Fronde (in 1651), had shown that discernment which was exhibited by Richelieu in 1629, after he had subdued the Protestant revolts. How many evils might we have been spared during two centuries (§ 17), if the noblesse, the parliaments, and the bourgeois, placed beyond the condition of abusing their power, had succeeded in establishing institutions¹⁶ which might have arrested the usurpations and controlled the actions of royalty! In this respect, moreover, Mazarin did not show himself either more perspicacious nor more moderate than the other statesmen of the two great reigns. All demanded reform through the convenient processes put forward by absolute power. They would re-establish prosperity by the aid of efficacious but dangerous institutions. For, in the hands of unskilful and corrupt successors, absolute power may promptly bring on decline. Nevertheless, absolutism, monarchical or popular, founded on constraint or violence, has, ever since the reform of the two first Bourbons, remained the favorite process of the French. It has occa-

came, that we find our cousin La Platte has much reason for her passionate desire to return to Paris, where one can acquire and preserve the qualities requisite to a gentleman."

¹⁵ Joseph de Maistre, at the commencement of the present century, estimated, as I do to-day, the grand epoch of Vincent de Paul, of Conde and Descartes. "Recall to you the grand age of France. Religion, valor, and science being, as I may say, well balanced, gave, as a result, that elevated character which was hailed with unanimous approbation as the model European character." (*Les Soirées de Saint Petersbourg*, Paris, 1831.)

¹⁶ M. Cousin, in describing the failings and virtues of the *frondeurs*, points out the advantages which might have been derived from such a solution, and then adds: "Happy combination, by which there might have been brought together the united forces of all parties, and perhaps permitted them to form a solid government, upon the durable alliance of the Orleans, the Condes, the Guises, the Vendomes, and the high aristocracy of Parliament." (*La Société Française au XVII. Siècle.*)

sionally gained some momentary advantage; but it has always terminated in abuse or weakness.

§ 17.

SIXTH PERIOD (SINCE 1661):—DECLINE PRODUCED THROUGH SCEPTICISM, ABSOLUTE MONARCHY, AND THE VIOLENCE OF THE REVOLUTION.

The preceding epoch was far from offering any decided superiority over that of the feudality (§ 14). Reform under the two first Bourbons had been more rapid, and the prosperity attended with more eclat; but the results proved less durable. The new regime, in fact, exhibited two vices which had already, under the domination of the Romans (§ 13), and of the last Valois (§ 15), brought ruin upon social order.

The influential classes had happily reacted against corruption (§ 16); but instead of returning to their rural habitations, the Gauls (§ 12), the Franks, and the lords of the thirteenth century (§ 14), had fixed their principal establishments in Paris. Royalty itself became attached to a city life by residence, habits, and ideas. In creating the social ascendancy of France above all other nations, she had effaced the remembrance of her ancient abuses and acquired much influence over the minds of the people. But in the mean time she had yielded to other influences, which have led the best powers to exaggerate their principles; she had depressed beyond measure those primary sources of power and those local autonomies which, during eight centuries (§ 14), had become gradually rooted in our soil, and which in the following epoch (§ 15) had resisted during three centuries that decline originating from the clergy and governing classes.

At the close of the fifth period, royalty had acquired the necessary ascendancy to enable it to do good without op-

position from any quarter. But the Social Authorities (§ 5) in the country and cities had lost those institutions which had formerly enabled them to preserve locations from the invasion of evil. These authorities were henceforth incapable of making that opposition to monarchy, when it became dominant, which had been so usefully exercised by local and feudal authorities under Saint Louis. Hence came important results, which were not long in being realized. All that had been done through the zeal and virtue of four great men—Henry IV., Louis XIII., Richelieu, and Mazarin—was destroyed by the vices and egotism of a single king. To the melancholy influence originating from the corruption of a sovereign, were joined a protracted reign. While the personal exertions of the two first Bourbons were only continued through a lapse of forty-seven years, the activity of Louis XIV. was severely felt by his country during fifty-four years.

The reign of Louis XIV. was characterized by four principal circumstances. With a cynicism hitherto unknown in Christian nations, it exposed the irregularities connected with the private life of a king. It continued the progressive movement of previous governments toward absolute monarchy.¹ It destroyed institutions and manners, and

¹The king, and his minister Louvois, denied one of the essential conditions of private life in the following words: "Every thing existing throughout the limits of our kingdom, of whatever kind it may be, belongs to us by the same privilege. You may therefore rest assured that kings are absolute lords, and possess, naturally, the full and free right to property, as well that appertaining to the Church as that of seculars, to be at all times used with proper economy, that is to say, in accordance with the general interests of the State." (*Instruction au Dauphin, Œuvres de Louis XIV.*)

"All your subjects, whomsoever they may be, owe to you their persons, their goods, their blood, without having any right to resist. By sacrificing to you all they possess, they do but their duty; and you owe them nothing, since everything is yours." (*Testament Politique de M. de Louvois.*)

From such abominable doctrines, the practice of which is universally condemned by all civilized people, have successively originated two

often disheartened the men who had created the most flourishing kingdom in Europe. By its acts and principles, it trespassed upon the traditional privileges of the clergy; it spared still less the privileges of the noblesse, and thus propagated that sad equality produced by debasement. Finally, it was transmitted to successors, — a kingdom ruined by war and taxes, enfeebled by the hate of the people, and completely exhausted of its great men.

Nevertheless, nations, even under the most happy governments, cannot continue long without changes tending to their prosperity or decline. The virtues and the talents created under the previous regime were not suddenly annihilated by the vices and the ignorance of the king. It may also be remarked that, in what has been so often improperly styled "the great reign," there were two distinct divisions: — the first (1661–1682), marked by the return of corruption in manners, with a continuation of both intellectual and material prosperity; the second (1682–1715), distinguished by a decline in intellectual and material order, as well as in moral order. The last period of decline continued till the king's death.¹

natural consequences. Under the reign of Louis XIV., the spoliation of the people by excessive taxation, and the confiscation decreed against the Protestants. Under the Reign of Terror, the confiscations exercised upon the property of the Catholic churches, the nobility, and the suspected. In our own time, flattering letters addressed to the people, more dangerous than those by which courtiers flatter their kings, originate from the same doctrines — the errors of communism.

¹The contrast exhibited by the two parts of this reign is not less marked in private than in public life. During the first part, the good manners and prosperity established by Louis XIII. were maintained for a very short time, even in spite of the very bad example set by the king. They continued commendable even after the traditions of the Valois came to be remembered. During the second part, the courtiers displayed their profligacy openly by promiscuous sexual association, innumerable debaucheries, unbounded taste for gambling, and repulsive gluttony. They even went so far as to commit homicide by poisoning, without the magistrates daring to interfere. This contrast between the two parts of his reign appears in all the memoirs of the times. It can be substantiated by a thousand passages extracted from the *Correspondence of Madame the Duchess of Orleans*, (Paris, 1855.)

Married in 1660 to a young princess admired for her grace and virtue, the king, as early as 1661, selected a concubine. In 1663 he gave her a high rank at court. In 1668 he installed another concubine, six years before the final retreat of the first one. Afterwards, in 1678, he took a third mistress. In 1673 he commenced legitimating his bastards, fruits of a double adultery, thus holding up to contempt laws both human and divine. From the very beginning of his reign the king gave himself up equally to haughty demonstrations and luxurious tastes, which brought ruin upon the State and upon the families called to the court. He thus, step by step, perverted the influential classes, and more especially the nobility established in the provinces, who were allied to his courtiers; great numbers of financiers and bourgeois were appointed to public offices; ecclesiastical dignitaries joined in the scandals of the court (§ 41, notes 5 and 6); finally, and above all, writers were subsidized who for a long time promoted corruption by recourse to the traditional panegyrics of Augustus, and by their historical labors reversing the ideas of good and evil. During the former part of his reign the king made the flourishing announcement that it was his will to govern by himself. But, in fact, in his general administration of affairs, as well as in war, he from the first delegated his authority to men who had been formed for service in the preceding reign. But even under the pressure of a haughty master,

I limit myself to the following example, one which will admit of transcribing without deviating from proper respect to the reader: "In the time of the queen and first Dauphin, everything in the court was conducted with modesty and dignity. Those who practised debauchery in secret, maintained an appearance of propriety in public. But after that old slut (*guenipe*)—Madame de Maintenon—made herself governess, she had all the bastards introduced into the royal palace, and then everything went topsy-turvy." The assertion in regard to the loss of all moral sense is also supported by the position of the author herself in her use of that indelicate qualification addressed to a lady who contributed, more or less, to diminish the scandals of the court.

these men could not be retained in the strict path which they had been trained to follow in the days of Richelieu and Mazarin. They, however, achieved brilliant results, the credit of which has been wrongfully cited as indications of the superiority of the sovereign, but which were really obtained only from the employment, and often abuse, of forces gathered together by his predecessors. That success was foreign to the personality of the king, for it became extinguished in proportion as his auxiliaries were removed from him by death. It was thus that by the death of Turenne (1775), and afterwards the dismissal of Conde after his happy defence of Alsace, an end was put to his conquests, and the king was compelled to submit to the humiliating terms of the peace of Nimeguen (1778-1779).

During the second part of his reign, the scandals committed by the king were diminished, and finally came to an end, little by little, under the influence of Madame de Maintenon, at first the governess of the bastards of the second concubine, and afterwards, in 1684, united to the king by a secret marriage. But the advantages to be expected from this return to Christianity were more than balanced by an increased manifestation of his tyrannical spirit, which was then turned upon religion, as well as upon temporal affairs. The persecution of the Protestants, which had commenced with his reign,³ was incessantly aggravated,⁴ and finally closed with spoliations, banishments, and massacres. And in this new outrage upon tradition and justice, we find the king still opposing the opinions of his best counsellors.⁵ Many of

³ From the year 1662, Louis XIV. caused the destruction of twenty-two churches in Gex, under pretext that the Edict of Nantes had not included this district, which was not united to his kingdom until after the promulgation of that Edict. (C. WEISS, *Histoire de réfugiés Protestants*.)

⁴ Thus, for example, the king, little by little, excluded Protestants from performing public duties in which they had always been successfully employed under the traditions of Richelieu and Mazarin.

⁵ Colbert always opposed himself against persecution of the Protes-

the French bishops approved of this deplorable act; some of them do not seem to have recommended it; others among them courageously opposed the persecution.* The revocation of the Edict of Nantes furnishes a positive refutation of the panegyrist of Louis XIV. France fell from that lofty position which she had so long maintained, especially in the years 1629 to 1661 (§ 16). It destroyed one of the principal sources of her internal prosperity, to shower benefits upon England, Holland, Germany, and northern Europe. Finally, it excited against France those feelings of hatred⁷ which soon led to the disasters of Hochstadt

tants, who furnished him with his most reliable financiers. The opinion which includes Madame Maintenon among the persecutors of Protestants has no true foundation. That lady said, in a letter addressed to her brother: "I recommend to you the Catholics, and entreat you not to be inhuman to the Huguenots. To draw men to you it is necessary to use kindness. Jesus Christ sets us the example." (*Correspondence de Madame de Maintenon.*)

* Upon the subject of Protestant persecutions I cannot resist the pleasure of quoting the following passage, which shows an example of a Christian gentleman of the ancient monarchy, even in the presence of a king who had usurped absolute authority. It relates to M. de Coislin, bishop of Orleans.

"When, after the revocation of the Edict of Nantes, it was put into the king's head to convert the Huguenots by the force of dragoons and tortures, a regiment was dispatched to Orleans to be scattered through the diocese. The bishop, as soon as he heard of the arrival of the regiment, had all their horses taken to his own stables, sent for the officers, and told them that he wished them to use his table as if it were their own, requested them not to let a single dragoon go out of the city, that none of them should be guilty of creating any disturbance, and that, should they need any further subsistence, he would provide it for them. Above all, he charged them not to say anything to the Huguenots, or take lodgings with any one of them. He wished them to obey him, and he was obeyed. The sojourn lasted a month, and cost him a great deal, but in the end he succeeded in getting the dragoons away from his diocese, which afterwards saw no more dragoons. Conduct so full of charity, and so opposite to what was exhibited in other dioceses in the neighborhood of Orleans, gained over almost as many of the Huguenots as the barbarities to which they were subjected." (SAINT-SIMON.)

⁷ While pursuing my travels from 1829 to 1832, I found these feelings of hatred still existing among many descendants of the exiles, who are still contributing to create prosperity in England, Holland, and Prussia. [Had the author visited the United States, he might have met with similar examples. — AM. TRANSLATOR.]

(1704), of Ramillies and of Turin (1706), of Oudenarde (1708), and of Malplaquet (1709). The decline at the end of the reign coincides in its incessant progressive aggravation with the death or dismissal of the last men of true merit formed by the preceding reign, namely, Colbert (1683), Tellier (1685), Louvois (1691), Luxembourg (1695), Pomponne (1699), Catinet (1701), Vauban (1707). While these events were taking place, incapables became intrusted with the management of affairs, such as Chamillard in 1699, Villeroi in 1701, and Voysin in 1709.⁸ The two last followed the habitual tradition of corrupt and tyrannical courts. After having given a specimen of their incapacity, they sealed their disgrace by treason toward a sovereign who had trusted them with the execution of his will. Furthermore, the memoirs of those times have sufficiently made known the moral decline introduced into the hearts of the directing classes by the pretended "great reign": namely, abasement of the nobility as a consequence of the dissolute domestic habits introduced in 1682 into the palace of Versailles;⁹ that rudeness in manners common in the time of Henry IV., exhibited by the great ladies of the court;¹⁰ finally, that hatred of religion, and that hypocrisy produced by superstition and intolerance, developed in the king by his declining faculties and dread of death.¹¹

⁸ France then escaped dismemberment from the moderation of the English, the perspicacity of Bolingbroke being much superior to the talents displayed by Forcy, Villars, and Vendome, the two last having been scholars of Pomponne, Turenne, and Condé.

⁹ It was then that the high nobility definitively abandoned those habits of rural residence which, during two centuries, had contributed so much to the interests of the State and the local governments.

¹⁰ On this subject a great many ridiculous and scandalous details may be found in the memoirs of the times, especially in those of Saint-Simon, and the Correspondence of the Duchess of Orleans.

¹¹ Voltaire is one of those writers who furnishes the strongest support to the estimate made by Augustin Thierry in regard to the false notions of history accredited in our country (§ 10, n. 2). In the following passage, as he has done elsewhere, Voltaire has pointed out, as furnishing

Public opinion is now settled in regard to the scandals which distinguished the deplorable governments of the Regency and of Louis XV. Nevertheless, something more may be added upon this subject. The Regent was not, as often asserted, the author of the corruption, but with rude freedom displayed openly that which Louis XIV. had created by the example of his vicious youth, heightened by his intolerance and tardy virtue. His government was less injurious to France than the same lapse of time would have been with the preceding reign continued.

He could not introduce into the habits of the court the practical freedom in vice, without tolerating, to a certain extent, the free expansion of thought. This liberty was doubtless often employed during the eighteenth century for the propagation of scepticism, and consequently the disorganization of society. But in this respect there could have been nothing more unfortunate in its results than the regime of constraint and hypocrisy inaugurated by Louis XIV. The indulgence given to error and vice, one of the novelties of the ancient regime during its decline, sometimes operated as a stimulant to truth and virtue. It saved France from one of the greatest degradations to which a nation can be subjected, — passiveness in the midst of error and corruption.¹² It indirectly secured, through the culti-

the best examples, sovereigns who have contributed most to corrupt manners, and disorganize institutions. "The fine age of Louis XIV. brought to perfection what Leo X., all the Medici, Charles V., Francis I., had only begun. I have labored a long time in studying the history of this age, . . . which ought to stand as an example for those to come. . . . I am not without sufficient memoirs relative to the private life of Louis XIV., who in his domestic affairs has furnished a model for men, as it has also sometimes been for kings." Reform will be difficult in France as long as our youth are educated under such instructions.

¹² Such was the sad fate of Spain after the epoch of that intellectual and moral superiority attained by the Christians at the termination of their wars against the Moors (1492). The spirit of Philip II., the king who was the model of Louis XIV., weighed during three centuries upon that unhappy country, without that correction which, in

vation of literature, the propagation of correct ideas which were often put forth by the writers of that epoch, mixed with many errors.¹³ In the midst of that decline which involved in its depths the loss of moral order, it preserved momentarily that ascendancy of the French language which it had maintained since the age of Descartes.¹⁴ The regents of Louis XV. followed likewise in the footsteps of the preceding sovereigns towards establishing absolute authority, and especially in destroying the influence of local government (§ 68). They took away from the people as much as they could, that moral influence exerted over them by the Social Authorities (§ 5), that is to say, those persons who, under the salutary influences of labor, exhibit the most virtue. They no longer permitted those authorities to exercise any control. For the purpose of supplanting them, they established fictitious authorities, unknown to those connected with the places of labor. Thus they introduced corruption in localities, and despoiled them of their secular privileges.

Louis XVI., following in the tracks of his grandfather, Saint Louis (§ 14), at length recalled virtue to the throne.

France, was given by scepticism and the revolution. This regime destroyed both science, literature, and manners at the same time, and produced the bitter fruits harvested at the present day.

¹³ *La Réforme Sociale.*

¹⁴ "I find myself here in France. Nothing but French is spoken. The language least known at court is the German, and I have not heard a word of this spoken. Our tongue and our literature have effected greater conquests than Charlemagne." (*Lettres de Voltaire.*)

Frederic II., king of Prussia, has written most of his works in French, and expressed his preference for this language in the following words: "Although I have experienced the difficulties which a German finds in writing in a foreign tongue, I have nevertheless decided in favor of that of the French, because it is the most polished and most extensively known in Europe; and that it appears somehow established by the fine writers of the age of Louis XIV. After all, it is no more singular that a German should write in French in our day, than that Cicero, who was a Roman, wrote in Greek." In the decline existing at the present epoch, a foreign monarch could not follow such an example without shocking the minds of his subjects.

The good example of which France had been deprived for more than a century, gave rise everywhere to hopes of reform, and produced one of the most admirable national advances of which history has preserved the memory. Unfortunately the king did not possess the three other qualifications necessary to sovereigns, and especially to reformers (§ 16); he possessed but little judgment or perspicacity, and was entirely destitute of energy. He could therefore neither draw to him, nor maintain in power, the men who might have been capable of rendering his government complete. The revolutionists, who successively made invasions upon the sovereign authority, were still more incapable of forming a regular government, for they were destitute of all the elements necessary to establish an organization. Custom, founded on good social institutions, had been discredited at the same time by the vices of the governing classes, and the errors propagated by the encyclopedists.¹⁵ The traditions most indispensable to social daily life, had been broken down by the nobility, clergy, and magistrates.

Throughout the whole extent of the kingdom, the Social Authorities had been deprived of their legitimate power through the wickedness of functionaries. They no longer possessed the power to resist the attempts made against the national constitution. But while they lacked sufficient courage to express open condemnation, they at least refused to lend themselves to oppression. In proportion as advances towards violence were made, the assemblies were fatally driven to ask individual support from the least

¹⁵ The great writers of the eighteenth century adopted, for the most part, without scruple, the vices of the ruling classes. They often combined with their sovereigns to propagate simultaneously vice and error. Frederic II. sometimes successfully imitated the obscene productions of Voltaire. Some idea may be obtained of the disorder into which the most eminent men had fallen, by reading the correspondence of Montesquieu with his friend the Abbé Guasco, whom he had chosen as the confessor of his daughter. (MONTESQUIEU, *Œuvres complètes*.)

worthy characters. Among these were mingled, more or less, scandalous persons belonging to the clergy of the ancient influential classes;¹⁶ lawyers, who, under the new governments, continued the sad mission which they had fulfilled under the absolute monarchies (§ 15); literary men, corrupted by the patronage and subsidies of courts, bewildered by classic reminiscences and chimerical notions of society. Lastly, violent men, skilled in exciting the people in the streets to popular commotions, and to intimidate the pusillanimous majorities of Parliament into passing those acts which violate all laws, human and divine.¹⁷

The Reign of Terror was the last stage of this movement. It propagated through the entire mass of the nation those vices and errors which, under the absolute monarchy, had been inculcated only to the governing orders. It introduced into the classes devoted to manual labor a corruption which has not ceased to grow, after the loss of the fundamental principles of truth,¹⁸ and which seems to bring back certain populations to the conditions of savage life (I). By laws weighing still more heavily upon France, it destroyed respect to God, to parents, and to woman (§ 31); then, as an immediate effect, it led to an abandonment of the precepts of the Decalogue, and the salutary Customs of the workshops. By the absurd exaggeration of the notion of equality, it subjected reason to brutal force. It thus disorganized the principle of that hierarchy which is indispensable to a prosperous and free people, and which is founded upon riches in union with talent and virtue.¹⁹ It

¹⁶ *La Réforme Sociale.*

¹⁷ M. E. Renan, in eloquent language, has expressed a similar opinion in regard to the incapacity of the men of the Revolution (N).

¹⁸ This decision has been maintained by M. Thiers, since the year 1848. (*De la propriété*). And he has been still more confirmed in his views by actual facts. The aberrations of the popular classes afford a salutary advertisement to many enlightened men who have glorified the French Revolution more than it deserved.

¹⁹ *La Réforme Sociale.*

finally kept open for a long period an era of revolutions which the French nation seemed stimulated to discover by some new method similar to that pursued to find the philosopher's stone. Since then, in effect, it has pretended to construct out of all kinds of materials, a government machine, which, borrowing nothing from past experience, will secure to citizens the advantages of material order, without imposing upon them any obligation to respect moral order. The private institutions which date from this sad epoch, seem to have been conceived in view of a society in which every one had a right to enjoy all the social advantages without being bound to fulfil any duty connected with the fireside, the workshop, or the local government. But in the mean time, public institutions, through intermixture of the authority of the State, became shackled, involving the most legitimate local interests and affairs connected with private life. At first view, one can scarcely comprehend how France has, up to the present hour, been able to give support to a system, the practical operation of which is so contrary to the practice of all free and prosperous nations.²⁰ But this mystery will soon disclose itself to those who, desirous of seeing such an order of things ameliorated, are thrust back by objections (§§ 38 and 49) and difficulties (§§ 50 and 61) which will be removed by reform. This condition is the result of two successive disorders, the ancient regime, which by abuse of its authority has sunk into contempt, and the revolution, which, sustaining itself through violence, has not always corrected the abuse. Indeed, it has often aggravated the evil²¹ and destroyed the good which remained.²² In many essential points the result is, that society at the present day offers at the same time the vices of the ancient regime and those of the revolution.²³

²⁰ E. Renan, *Questions contemporaines* (N).

²¹⁻²² *La Réforme Sociale*.

²³ Public opinion, bewildered among us by errors incessantly re-

The numerous governments which have succeeded the Reign of Terror have made efforts designed to temper the rigor of laws passed during that epoch. But they have met with little success in modifying the principles then established, whether from inability to distinguish the good from the evil, or from giving offence to the passions and prejudices inculcated by the national regime. Since they have entered upon the era of revolutions, the French have distinguished themselves by a characteristic entirely new, even in their own history. They drift alternately at the will of two opposite ideas, the desire of escaping from present evils, and the fear of falling back into past abuses. It is thus that during sixty-two years since the taking of the Bastille, up to the establishment of the second empire, they have ten times altered, often by violence,²⁴ the letter of the institutions and personnel of the government.

§ 18.

SYMPTOMS OF AN APPROACHING REFORM.

Many men who have given their assent to the facts and principles announced in the preceding chapters, have, nevertheless, lost all confidence in future reform. Those who had reposed their hopes upon certain changes of gov-

peated, is little prepared to admit this fact. It therefore contests at once the correctness of the point of view in which I have, in one epoch of our history, united the century which has preceded with that which followed the revolution of 1789. The connection will be justified by every professed historical student. The analogy of the two regimes has already been demonstrated by M. de Tocqueville, for the proceedings of the public administration. But it is no less so by the opinions and manners which still exert their influence upon the prosperity and decay of nations. It is precisely the same in what relates to indifference to religion, political intolerance, the thirst after privileges, and the usurpations of the bureaucracy. (*La Morale et la Loi de l'histoire.*)

²⁴ The Reverend Father Gratry, of the Oratoire, has pictured in elegant language the evils which violent men have let loose upon France, and the incompatibility which exists between the practice of violence and the aspirations towards liberty. (*La Morale et la Loi de l'histoire.*)

ernment (§ 61), have been discouraged on every occasion when they have witnessed a failure of their favorite plans. Those who believe in the destined downfall of nations, pretended to see in our repeated catastrophies a new verification of their false theory. Both sides persuade themselves more and more, that the French will hereafter be incapable of stemming the current,¹ which during the last two centuries has been sweeping it towards destruction. For myself, I have felt sustained, during all my labors, by an opposite conviction, and in this I am still more confirmed in proportion as I acquire additional knowledge of the men who have lived in the past, and those living in my own time. I am supported by the following considerations in believing that reform is far from being impossible. This reform might be equally sudden, with those which occurred in the days of Louis XIII. (§ 16) and of George III. (§ 30), if the good citizens who perceive the evil would devote their united energies to bring back the reign of good.²

¹ I have, therefore, in my treatise on Social Reform (Vol. I. p. 23), demonstrated the fallacy of this discouraging declaration. It will be more than ever necessary that all true patriots, without distinction of party, should unite upon some measures to combat it. A personal inquiry made since the promulgation of the *senatus consultum* in September, 1869, has pointed out additional causes for discouragement. Two facts have been particularly referred to. Many men, independent in respect to condition and character, and holding gratuitous titles in the local government (§ 68), think that the regime of legal restraint (§ 8) is necessary to counterbalance the disturbing influences connected with the elections held in the cabarets, in town and country, with their innumerable proprietors and hangers-on. Many of the most respectable men, strangers to public life, have lost the disposition to take part in primary elections and political movements. Frightened at the name of liberty, they do not understand that reform simply means a return to that moral restraint which existed during the great epoch of prosperity (§ 14): consequently they do not think themselves bound to seek after the true idea of good (§ 50), and still less to assist in its propagation around them. They resign themselves, in sighing submission to the habitual changes effected by revolution and dictation (§ 8, notes 12 and 13).

² I have many times had occasion to employ, for the accomplishment of public interests of secondary importance, those intellectual and moral resources which France and especially Paris still possess. One can

Even after the two unfortunate ages through which they have passed (§ 16), the French people are not all resigned to submit to decline. They only exceptionally show that passive resignation to corruption which has so long been exhibited by certain nations in the south of Europe. It is true that they have always been led astray in their attempts at reform, either by the influence of the literature of the last century, or by revolutionists and legislators of the present period; but they have at least manifested a desire to be restored to a better order of things.

On the other hand, the French, in making these attempts, have not shown that levity and inconstancy for which they have been reproached. It may be well said that in certain respects they have exhibited too much haste in their ideas and actions. They have supported, during a century, the disorders of the ancient regime in decline, expecting with unflagging patience that the absolute monarchy would finally, as in the time of Louis XIII., introduce prosperity (§ 16). Disabused after waiting so long, and falling forthwith into a new error, they demanded revolutions with the same perseverance that the ancient regime showed in giving them none.

Never has there been known a people which, after having persevered during eight centuries in one correct idea (§ 14), has continued so long faithful to two false opinions.

scarcely form an idea of the results which might be obtained from these by making an appeal for such a high object, with a patriotic devotion devoid of all consideration of self-interest. A few men of talent, united by a love of truth, and exclusively preoccupied in objects contributing to the good of the public, would be sufficient for the purpose. Joseph de Maistre, after the disasters of the revolution and the first empire, has already given his views upon the subject, in the following words: "There might be great things accomplished in this capitol. . . Twenty men would be sufficient, if they were of one accord." (*Lettre du 1er December, 1814.*) But to-day, as at that date, the difficulty remains less in the power of the wicked, than in the want of power in the good, to understand the situation, and apply themselves judiciously to propagate the idea of good.

This zeal for reform, and fidelity to principles, if not attained in our own epoch, will be productive in fruits as soon as France shall return to the ways of prosperity, that is to say, when the distinction between good and evil shall have become generally established in all minds and in all hearts.

The prejudices and passions which have operated since the Reign of Terror to prevent reform, no longer weigh as heavily upon France as they have done in the past. In the governing class they still remain, more especially among legislators; but the constitution now prevailing has shown itself, in certain cases, better adapted than those by which it was preceded, to temper the serious effects of their influence.⁵

The errors of the ancient regime of decline, and of the revolution, continue persistently to the present time among the idle rentiers of the cities, and the young nobility, who spend the patrimony of their forefathers in dissipation and sensual indulgences.⁶ These display themselves conspicuously among the manufacturing populations, making declamatory speeches to them, and also to the Paris clubs and meetings held in neighboring districts. By a propagandism less conspicuous, but more formidable, they spread among the rural populations, destitute of intellectual or moral protection, the pernicious influences exerted by stock-jobbers and drinking-houses.⁷ But lately these errors have been sometimes successfully resisted by eminent men belonging to the clergy or laity, whose speeches and writings have led, as we have witnessed, to a revival of

⁵ The government of Napoleon III. is, in many important particulars, distinguished from all the unstable governments which have risen up so rapidly since 1789. It has shown itself less exclusively inspired by a spirit of legislation. It has especially reacted against the regime of legal constraint in all that relates to associations, the press, and public meetings. And above all, it has come to substitute, without revolution, a regime of liberty to one of restraint (§ 8, notes 12 and 13).

^{6,7} *La Réforme Sociale.*

religious life.⁸ They begin to be still more effectually repulsed by a new class of writers who, thanks to their various talents, have succeeded in gaining favor with the public, and who are in a situation to correct unsettled opinions more effectually than can be done by religious writers, strictly so called.⁹ These labors have for some years made a decided impression upon a large number of my fellow-citizens.

I every day meet with those indications of reform from the proprietors of the great city manufactories and rural workshops, and their workmen and collaborators of all ranks,¹⁰ as well as from that healthy portion of the youth who are disposed to attain, through labor, the consideration of the public.¹¹ I even perceive these symptoms appearing, though more distant, among legislators and governing classes, that is to say, the classes which, in epochs

⁸ *La Réforme Sociale.*

⁹ As specimens of this useful influence, I particularly refer to the following passages from these writers. — In what relates to the moral sciences and politics, P. Lanfrey, *Histoire de Napoleon I.*; Prevost-Paradol, *La France Nouvelle*; E. Renan, *Questions Contemporaines*, preface. In what relates to the press, the theatre, and romances, Emile de Girardin, whose numerous writings (displaying not less courage than a memorable action of his in 1848) have demonstrated that resistance to violence is one of the qualities of civil and political liberty; Alexander Dumas, fils, *Theatre*, preface, quoted (§ 49); Ch. d'Hericault, articles upon Louis XIII. and Louis XIV., (*Journelle de Presse*;) Ch. Garnier, articles rallying the provincial press to the restoration of local government; Alfred Assolant, articles upon seduction, (journal, *l'Epoque*;) E. About, (*le Progrès*;) quoted (L). It is with great satisfaction that I see these able writers reacting, little by little, against the common sources of error from which French literature has drawn its supplies during the two last centuries.

¹⁰ See the description of the thirty-seven workshops (*Ateliers*) which at the Universal Exposition of 1867 received a new order of recompense (Q).

¹¹ Towards the end of the Restoration, among the young men who entered the Polytechnic School, the few who made any profession of religion exhibited much hesitation. The number is at the present day quintupled. This happy change is due, in a great measure, to instruction societies, especially those established by the Jesuits and Dominicans, who by their devotion have acquired the confidence and affection of their pupils.

marked by moral weakness, are the most refractory against reform.

I entertain no apprehension that social reform in France will be retarded by one of the most formidable errors of our time,¹² that which prompts great empires to the acquisition of smaller nations by violence. Such unjust enterprises may, momentarily, trouble the peace of Europe, but the more the people are subjected to the horrors of war, the more sensible will they become of the necessity of establishing practical moral order for the regulation of their common affairs, as well as the mutual relations subsisting between nations. Ever since the reign of Louis XIV., France has often given, in these respects, a bad example. But, notwithstanding her errors and partial decline, she remains still more capable than any of her rivals of taking upon herself the initiative in good reform. She has not yet entirely lost that pre-eminent social virtue mentioned by Voltaire in a letter to one of his august correspondents,¹³ that which often led him to interest himself for the interests of others without an after-thought for his own advantage. May she be able to renounce the spirit of conquest and other false notions by which she has been so often led astray during two centuries! May she reconquer that moral ascendancy which belonged to her in the seventeenth century, and, assuming the grand traditions of that epoch, propagate the universality of truth, and become the protector of smaller nationalities!

¹² *La Réforme Sociale.*

¹³ Voltaire, in addressing himself, (March 9, 1747,) to Frederic II., while expressing his regret that he did not visit France, said: "You might be able to see the effect which would be produced upon a sensitive people by unique merit. You would feel all the delights arising from being cherished by a nation which, with all its faults, is perhaps the only one in the universe that can dispense true glory. The English praise only the English. The Italians are nothing. The Spaniards have no more heroes. You know, Sire, that I entertain no prejudice for my country; but I am sure it is the only one which can erect monuments to great men who were not born in its bosom."

Perseverance in the search after the good, and devotion to the cause of humanity, the capacity to distinguish the true from the false in a language which Descartes and his contemporaries found specially adapted to this task, are more than ever necessary to the people of Western Europe.¹⁴ These qualities are no less honorable in our time of civil wars, than they were during the religious wars of the sixteenth and seventeenth centuries. They might soon destroy the errors of the ancient regime and the revolution, as, after the fall of the Valois, they triumphed over the corruption propagated by the clergy and the sovereigns.¹⁵

¹⁴ Joseph de Maistre has presented curious details in regard to the ascendancy acquired by the French language since the thirteenth century. Comparing, in his dialogues with a Frenchman, the European languages: "That of the French," he says, "has always gone the farthest, both in style and accent. May this mysterious power, so well adapted to diffuse both good and evil, soon become the instrument of salutary proselytism, capable of administering consolation to humanity for all the ills to which it is subjected." (*Les Soirées de Saint-Petersbourg.*)

¹⁵ During the first years of my travels, I have seen the last of those generations, in the midst of which Joseph de Maistre lived (note 14). In all parts of Europe, I have become acquainted with a multitude of aged men of the influential class, whose primary education had been gained, previous to 1789, through means of our language. This they habitually made use of at their firesides, sometimes to the entire exclusion of the national tongue, and with a degree of perfection which revealed the constant perusal of our best authors, indicating that French was truly their mother-tongue. This state of things has been brought to an end by the national antipathies fomented by the revolution and first empire, since which times education among the influential classes has been exclusively confined to the language of the respective countries. French has been only regarded as an accessory, and the knowledge of this has been too often preserved with the assistance of the most deplorable contemporary literature. To guard the fireside from such dangerous writings, the heads of families have begun, even in Russia, Sweden, and Germany, to direct the attention of their children exclusively to English authors.

European civilization cannot dispense with the benefit derived from that universality of the French language which it acquired on two occasions—in the Middle Ages, and in the eighteenth century. The influential classes, more than ever, endeavored to create a common language. All the sympathies would again be converged towards the French language, if our governments would hereafter use their influence to preserve the peace of Europe, and above all, if our writers,

Of a truth, corruption and error have, in our day, assumed more formidable proportions than they had in the times of Henry IV. The evil which then had not invaded the leading classes (§ 15), is now extended, as in the epoch of the Gallo-Romans (§ 13), throughout the whole limits of society. Doubt and antagonism, which were once confined only to religion, to-day trouble all the other elements of social life. The new reform must, therefore, be more difficult to restore than heretofore, but the gratitude of Europe, and the moral ascendancy accorded to reformers, will be increased in proportion to the difficulties of the work.

Men capable of fulfilling this mission are not now wanting in France. Superior intellects are even more common to-day than they were at the great epoch. The present regime is more capable than that of Henry IV. and of Louis XIII. to operate upon superior minds and bring them to the truth; and I know of no other race which will devote such persistent efforts to acquire honorable distinction in all branches of social activity. Our orators and writers particularly exhibit admirable talents. They might soon acquire a glory equal to that of their predecessors, if, instead of neutralizing themselves mutually by pride and error, they united in one common principle—devotion to truth. Their great failing comes from that want of unity of design, which during the great age impressed itself upon the activity of the French nation: in politics, by four superior men; in manners, by the eminent women of the Hotel de Rambouillet; in the useful and liberal arts, by the rivalry between the Catholics and Protestants; on society at large, by the spirit of Christianity.

As in the two preceding epochs of prosperity (§§ 14 and

reverting to the traditions of the seventeenth century, would be more habitually inspired with the disposition to promote the cause of reason and virtue.

16), reform must especially be brought about through Christianity; but it need not necessarily be accomplished in the same manner. In the presence of other disorders and other resources, it may probably take some new forms. To foresee what may be the principal characteristics of this new regime, it will be necessary to take into account the recent invasions made by scepticism (§ 39), the evils inherent to crowded populations in cities or manufacturing localities (§ 29), and above all, the formidable forces organized to carry out the ambitious projects of the great powers. It will be also necessary to consider the civil and religious institutions of those nations now in the enjoyment of liberty and prosperity, which are most secure from those plagues (§§ 62 to 70). Now, the more I study the men and things existing in my time, the more I appreciate the practical agencies exerted through the Social Authorities (§ 5), the more am I assured that the seventh period of our history, that which France had a glimpse of in 1789, will have for its title—*Prosperity, through the emulation of all Christians, under a representative system.*

Relying upon the agencies which may be brought into operation through such influences to sustain the correct ideas of the good, I see but one obstacle in the way of reform—the transient success of those who flatter themselves with being able to establish their social systems by violence. It is against violence that all who regard themselves as the possessors of truth, should henceforth unite.

In the midst of the massacres which, in June, 1848, brought consternation into our families, I became sensible of the urgency of the mission imposed upon all Frenchmen in regard to this subject. I conceived the design of quitting all the studies which had contributed to charm the days of my youth,¹⁶ in order to be able to labor, as much as I possibly could, to prevent a return of such plagues.¹⁷

¹⁶ *La Réforme Sociale.*

¹⁷ *Ibid.*

Everything since then has contributed to make me more firmly attached to this enterprise. I have often been encouraged in it, even by persons with whom I differed in opinion upon certain subjects, and I am at the present day still engaged in carrying it out.

After having, in my first chapter, established certain facts which appeared to me the point of departure of all social questions, I come to those which relate more particularly to the special subject of this treatise. In the second chapter I describe the Custom of the workshops, or, in other words, the practices essential to a good organization of labor. This Custom, like all fundamental laws, is extremely simple, and the practice of it would also be easy, if not opposed by vice, error, and prejudice. Thus, while one chapter suffices to point out the excellence of Custom, it will require four more to prove the necessity to return to it. For this purpose, I seek, in chapters three and four, for the reasons why the practice of Custom has been abandoned, and how it may be restored. Lastly, in chapters five and six, I reply to the objections opposed to reform, and the solution of the difficulties placed in the way.

CHAPTER II.

PRACTICE OF THE GOOD, OR CUSTOM.

§ 19.

CUSTOM MAINTAINS THE GOOD, BY THE AID OF SIX ESSENTIAL USAGES.

THE studies made at the present time relative to the various systems of labor, present one special characteristic. They neither take into view the remedies adapted to cure the evils existing in many places, nor the circumstances which in others correspond with a healthy condition. They treat exclusively of palliatives applicable to a state of malaise which is often said to be derived from the principles of social order themselves.

Among the palliatives which may be placed in the first rank, are, societies formed for mutual aid, and associations of all kinds intended to remedy, in some way, more or less of the consequences brought on by improvidence and destitution; next to these, the benevolent associations, which propose to accomplish the same object, or to correct certain dangerous vices, such as concubinage and drunkenness. These institutions have all one common characteristic. They are regarded as useless in places of labor which preserve a state of traditional prosperity: they are repudiated by all families raised to the first state of competence; they would therefore disappear as a consequence of successful reform leading to general prosperity.

Other institutions of the same kind are created in our days, through public beneficence. Under these conditions, they are equally indications of the existence of evil. But they would disclose a healthy state, had they been created by a spontaneous movement of the people. In this category of palliatives are comprised schools of all kinds, libraries, choice recreations, banks for depositing savings, and, in general, all those institutions which tend to increase the welfare and respectability of families.

The usages which furnish the truest indications of the material and moral health of places of labor—those which I name essential—are to be especially recognized by two characteristics: they are all abandoned in the manufacturing groups of Western Europe, in which the extreme evils of pauperism exist; they are all found existing in establishments and localities where harmony reigns, attended with stability and comfort. They may be grouped under the six following heads: First, permanence of the reciprocal engagements existing between the proprietor and his workmen; second, perfect understanding in regard to the rates of wages; third, alliance between the laborers of the workshops and domestic industries, rural or manufacturing; fourth, habits of economy, securing respect to the family and the establishment of children; fifth, indissoluble union between the family and fireside; sixth, respect and protection given to women.

Among the steppes traversed by the nomads of Europe or Asia (§ 64), and the sea-coasts of Western Europe where the metropolitan manufactories abound, there are to be found at the present day examples of all the various social organizations which have existed in all historical epochs. On three different occasions, I have personally studied these carefully, during a period embracing thirty years, and I have always been led, through direct observation as well as by the unanimous opinion of the true Social Au-

thorities, to one conclusion: namely, that the observance of the six essential usages of Custom everywhere indicates the existence of prosperity; while the absence of these same usages coincides invariably with a state of decline.

These usages develop and maintain prosperity under a regime of constraint, and also under a regime of liberty. They harmonize, therefore, with the two opposite systems which exist in the governments of many nations (§ 8). They commonly reveal themselves by certain physical characteristics; but they emanate from profound ideas and sentiments appertaining to that moral order which, during the best epochs (§§ 14 and 16), prevailed in society at large. To say the truth, the six essential practices consist only in the application of the Decalogue and the Gospels to the discipline of the places of labor.

In order to present a complete tableau of these practices, I shall have to refer to matters treated in two extensive works.¹ Referring to these works for the development which may be desired, I shall here limit myself to a notice of the principal facts, and also reduce my subject to its most simple expression. To accomplish this, I must discard, as much as possible, all reference to peculiarities connected with Oriental life (§ 9), devoting special attention only to such usages as exhibit themselves in Western Europe.

§ 20.

FIRST USAGE: — PERMANENCE OF RECIPROCAL ENGAGEMENTS BETWEEN THE PROPRIETOR AND LABORER.

Under a system of government which secures individual liberty, the permanency of engagements furnishes the high-

¹ *Les Ouvriers Européens* (O), describing in detail the organization of labor and condition of families under the divers regimes of Europe. *La Réforme Sociale* (R) gives the whole, accompanied by an epitome of these observations.

est expression of stability.¹ It also presents a true indication of the welfare and happiness of a people. It prevails, with its best characteristics, where the proprietors and workmen preserve a mutual attachment through successive generations. Once established, this condition of things secures immense advantages to all who are concerned, and is maintained by them up to the moment when they show a disposition to free themselves from moral constraint (§ 8), the last true social tie under all regimes. In these cases of failure, kindness on the part of the proprietor, respect on that of the workmen, and withal the empire of Custom, recommend waiting with patience and indulgence for individual reforms. As a general thing, when an ancient establishment is suddenly broken down, the blow falls upon the proprietor, rather than upon his workmen.

On the contrary, the proprietor who secures permanence in his business, is regarded as a precious contributor to public prosperity. He is worthy of all honor, especially under our social system, where so many influences are incessantly operating to uproot Custom, and to substitute antagonism for an ancient state of harmony. Among the duties which the preservation of this practice imposes upon the proprietor, the most important is the education of a successor penetrated with a sense of the obligations contracted by his ancestors towards the workmen, guaranteed by Custom and transmitted by local tradition with the ownership of the establishment.

Since the commencement of the century, and especially since 1830² (§§ 29 and 30), this practice has often fallen

¹ *Les Ouvriers Européens*. The table entitled "Definition of workmen, and the relations by which they are bound to masters in the various social organizations of Europe, as also to communities and corporations."

² Previous to 1830, the Parisian places of labor already exhibited signs of perverted ideas, with feelings of hatred which had originated during previous revolutions. I have nevertheless been able to discover there institutions and manners which yield in no respect to the

into disuse in the manufacturing communities of Western Europe, where the practice of temporary engagements has everywhere led to suffering and antagonism. Since then, the workmen have subjected themselves to incessant agitation with the view of escaping from these evils and regaining security. Misled, like their employers, by the errors which are the first cause of evil (§§ 26 to 32), they search for the remedy outside of Custom; they exhaust themselves in unavailing efforts, and in their disappointment they apply for help to men hostile to public peace. But these, far from putting them in the right way, lead them further from their object, preaching to them doctrines contrary to those maintained in the most enduring traditions of the human family. These vague hopes, entertained by workmen, of reaching an order of things hitherto unknown, have already resulted in great suffering. If, contrary to the teachings of experience and reason, they should still be indulged, they will subject our societies to the severest trials.

The least dangerous efforts which have yet been made to construct out of all sorts of materials this incomprehensible system, in harmony with respect for public order, present a curious example of mental aberration excited by

most perfect I have met with in other parts of Europe during thirty years. In one instance the proprietor and his wife showed themselves well acquainted with all the details connected with the domestic life of their workmen, and these last kept themselves incessantly occupied for the benefit of mutual interests. Solidarity and harmony were exhibited in all intercourse between the proprietors and the workmen, as was especially exemplified on the occasion of a solemnity observed every autumn, called the feast of lights (*fête de la lumière*). On the Sunday preceding the week when lighting the manufactory for evening work first begins, the proprietor gave a party, consisting of his own immediate family and all the families of his workmen, with a banquet, followed by dancing and a variety of recreations. In 1867, at an epoch when I possessed many means of gaining information, I have vainly searched in the old establishments which had become wealthy, for vestiges of those touching relations. I have especially discovered an absence of that affection and respect which were associated in this solemnity with the sympathies of the workmen, their wives and children.

contempt of Custom. The dominating prejudices of these innovators lead them to dispense with the social functions exercised by proprietors, and to establish their factories upon the principle of association, that is to say, communities formed among the workmen who perform the manual labor themselves. The efforts of talent and virtue which have been put forth in founding a limited number of such establishments upon this principle, cannot be too much admired. But these exceptional institutions have never attained any appreciable importance among European manufactories. Nothing indicates that they will do any better in the future.⁴

Since the reforms made in Austria (1849) and in Russia

⁴ I have elsewhere established this conclusion. (*Riforme Sociale*, Vol. II. pp. 209-306.) Moreover, in regard to this subject, it may be summed up in a few words, giving the results of the lessons of experience. Working communities, once very numerous, are now seldom met with, except in the eastern portions of Europe. They disappeared in proportion as the people became more free and prosperous, and have been supplanted by systems founded upon individual enterprise. The communities which have been formed since 1848, have generally failed, owing to two principal causes. The workmen have showed themselves little disposed to obey the regulations under which they had been established. They have chosen incompetent leaders, or poorly paid those who were at the head of their associations. Lastly, they have made premature divisions of their profits and not possessed sufficient capital to maintain those extensive establishments created by prosperous individual proprietors for the benefit of their descendants.

As to those communities which have so rarely succeeded in establishing themselves, they remain always, in a free society, exceptional cases. They do not, in fact, recommend themselves, either to the masses destitute of the moral qualities essential to all effective united action, nor to more capable individuals who can prosper by their own exertions. They are only adapted to that system of constraint, which, relying upon good conduct, lends itself to the exigencies of common labor, without possessing that initiative spirit which commands success under individual direction. Moreover, the exceptional instances in which certain communities have met with success, have scarcely ever been found but in localities where they have not had to struggle against foreign competition. The innovators who endeavor to sustain themselves in this controversy by referring to the communities which existed in the Middle Ages, commit an error as dangerous as those who might flatter themselves with being able to carry on a successful war with the projectile weapons of the same epoch.

(1861), the regime of constraint (§ 8) has employed scarcely any measures in Europe with a view to secure permanency of engagements. In all the localities of the East⁶ in which I have made observations in the course of thirty years, the system of forced contracts obligated both parties in accordance with the usages prescribed by a great variety of customs. These all presented a characteristic which the employers in the West would have rejected as detrimental to their individual interests. The system, nevertheless, had no connection with the idea which, in France, is associated with the word *Serfdom*. Besides, in the model social organizations which in Europe are counted by thousands, the permanence of contracts is exclusively founded upon the free harmony of interests.

§ 21.

SECOND USAGE: — A PERFECT UNDERSTANDING BETWEEN THE EMPLOYER AND WORKMEN IN REGARD TO WAGES.

A fair understanding between the employer and his workmen in regard to wages, removes the subject from all irritating discussion. It is an evidence of the good relations existing between them, and removes a difficulty which is the principal source of antagonism in Western Europe. It equally indicates a general state of prosperity, with the workmen contented to receive from the employer what is necessary for the subsistence of their families. It shows that where contrary interests exist, a common necessity also exists to maintain stability in the affairs of the establishment.

On the contrary, antagonism, instability, and inquietude are constantly found in localities where wages are unsettled.

⁶ *Les Ouvriers Européens* : Paysans à corvées d'Orembourg, paysans à l'Abrok de l'Oka, forgeron de l'Oural, charpentier de l'Oural, forgeron de Samakowa, paysans de la Theiss, mineur de la Carniole.

This disorder is not long in showing itself when corruption of manners, and especially an inordinate love of gain, leads to a disuse of permanent engagements (§ 20). Some employers are still to be found who are, in this respect, very much inclined to violate Custom.

When trade raises prices, and the demand for the products of manufactories increases, they will incur any expense to increase their productions. Offering very high wages they seduce the workmen of their rivals, and even those of the manufactories in the neighboring country. Afterwards, when prices fall, they have no scruples in making their workmen submit to the alternative of remaining idle, or accepting wages so low as not to afford sufficient support to their families. Whenever Custom has been thus violated, the workmen never fail to take their revenge when business resumes more activity. And thus it is that antagonism, step by step, invades the manufactories, the rural districts, and society at large.

Nevertheless, even in countries desolated by this social war, the best employers succeed in preserving their establishments from it, and when these are obliged to submit to reactions from without, manage their business so that the losses will be met by themselves, without any reduction from the wages of their workmen. Among nations subjected to antagonism and anarchy, it is by such characteristics that the existence of the Social Authorities can be recognized.

The establishment of wages depends chiefly upon the nature of the work to be done, and especially upon the character of the population. In proportion as foresight, sagacity, and energy are developed among workmen, three principal regulations will be required. Under the first, the compensation of the laborer will be proportioned to the time of work; this system is readily applicable to labor of all kinds, and especially where the population

are vicious and improvident. Where moral and intellectual infirmities exist, it is best that the employer should furnish labor at all times, giving reduced wages in periods of scarcity, with supplies of grain sufficient for the subsistence of families.¹

Under the second regime, the compensation consists of a certain share of the product, as established by Custom. This is particularly applicable to workmen employed in the extraction of coarse products of low values, where a convenient market is at hand.² Finally, under the third system the compensation is in proportion to the amount of work done. The workman sometimes raises himself to the rank of a contractor by engaging, at a stated price, a certain amount of the products of the manufactory; occasionally he assumes the payment of the wages and becomes chief manager of the establishment. In this case his success depends upon his capacities to foresee and shun the hazards attendant upon his operations. In certain complicated kinds of business, these hazards sometimes end in losses. The care required to appreciate these risks, and to overcome unexpected obstacles, contributes to develop skill and energy in the workman; and on this account many contractors are not long in raising themselves to employers of the first rank.

The means adopted for establishing wages are of great importance in a regime of labor. But they are, after all, only mechanisms, the successful working of which depends especially upon the moral forces inherent in the systems, or possessed by those charged with conducting their operations. Hence, false steps have always been made in attempting to reorganize labor by the aid of general for-

¹ I have described two fine examples of this system in the mines and foundries of Hungary, Carnolia, and the Hartz. (*Les Ouvriers Européens*, X. XI. XII. XIV.)

² This organization exists in the farms and vineyards in the south-west of Europe.

mulas founded upon one of these systems, or which depend upon some financial combination. Except in particular cases, all such schemes result in ruin ; for there is no one formula capable of adapting itself to the extremely diversified industries of man.* On the other hand, Custom and the Decalogue are applicable everywhere.

§ 22.

THIRD USAGE : — CONNECTION BETWEEN THE LABORS OF THE FACTORIES AND THE DOMESTIC INDUSTRIES, RURAL OR MANUFACTURING.

Of all pursuits, those connected with agriculture furnish the most certain means of subsistence to the laborers engaged in them, and the best elements of national prosperity. Nevertheless, since the last of the Valois, most of our governing classes have failed to recognize this fact, and their policy has generally resulted in the disorganization of rural estates, and the development of manufactures at all hazards. These agricultural interests will not regain their proper rank until the government shall give them proper aid, by introducing indispensable reforms.¹

Under the old European regime, an intimate alliance was always maintained between agricultural and mechani-

* Since the deceptions introduced by the associations of 1848 (§ 20, n. 4), contemporary reformers lean more or less towards a scheme which makes the workman a participator in the profits of the establishment. This scheme sprang up spontaneously, and was successful in some simple enterprises ; as, for example, where commercial business was carried on by retail, or where the profits were increased by the amount of the sales, and in proportion to the number of persons employed. It is, on the contrary, ill adapted or impracticable in a multitude of cases, as shown by experience ; as, for example, in those complicated kinds of industry in which the profit is insignificant compared to the amount of wages paid ; or where the chances of gain are prospective (*altatoires*), and cannot be supported by improvident populations ; or where, in fine, a true estimate of the profits would furnish the workmen with grounds for suspicion, and cause embarrassment to the proprietor.

¹ *La Réforme Sociale*, t. ii. p. 78-91.

cal labor. This organization had for its special object the securing of regular employment to the laborer, and permanent means for his subsistence; and it was specially designed to ward off the consequences attendant upon commercial crises and suspensions of work during the course of the seasons. To effect this, rural estates had factories attached to them, for working up materials furnished by the locality or imported from without. Large manufactories sometimes had extensive country and forest dependencies connected with them. According to the most common and reliable system, every proprietor encouraged his workmen to undertake, on their own account, a variety of occupations, domestic, rural, or manufacturing. These furnished them with employment in seasons when business was slack, and always proved useful to the members of the families of every age and sex, retained at the fireside by Custom.

This alliance between agricultural and manufacturing labor is still frequently found in large establishments in the North, and in the East. In other parts of Europe it becomes more rare outside of the large rural domains where the great forest and mining enterprises are carried on. But the small domestic occupations have everywhere a certain development, even among the great manufacturing communities; and they acquire considerable importance whenever the workman can join to the fireside some rural property of his own.⁴

The agricultural pursuits which I have commonly seen

⁴ Persons who wish to become acquainted with the details of this organization, may consult *Les Ouvriers Européens*, where they will find nineteen monographs concerning the nomads of Asia and the fixed populations of Russia, Scandinavia, Turkey, Hungary, Austria, Carinthia, Carniola, Hanover, Rhenish Prussia, and Spain. The monographs relating to French workmen, published in the same work, place in bold relief the productiveness of this third practice. All the statements which serve as bases for these monographs, also demonstrate that the small industries, when combined with a good system of small properties, acquire an importance comparable to that of wages allowed by the employers.

practised by the families of workmen devoted to manufacturing labors, vary according to the local organization of property, to climate, and to the degree of perfection existing in the system of labor, and the degree of harmony subsisting between the proprietors and workmen. In France, I have most commonly found these industries arranged in the following order, beginning with those in most frequent use: The cultivation of a kitchen-garden, furnishing the family with vegetables, fruits, and aromatic herbs; apiaries for bees; protections for poultry and other small animals getting most of their subsistence from running over grounds by permission of the employers or owners of the neighboring property; the fattening of one or two pigs, either upon the waste of the family or the garden, and in various other ways; lastly, the keeping of one or two milch-cows, grazed upon a pasture belonging to, or hired by the family, or running upon commons or otherwise. The cultivation of a garden is carried on by the poorest families, and other means are successively added, making three degrees of advance in family comfort.

These small industries give to the mother, daughters, children, and old relatives, profitable work in proportion to their strength and capacities. They contribute the means of comfortable subsistence and security, some idea of which may be gained by reference to a collection of sixty-three statements of families described in the two works so often referred to (O and P). They serve to attach people to the soil, and enable the heads of families and their sons to prosper with very moderate wages. Under these various relations, they greatly contribute to establish the two preceding practices.

This salutary organization has been maintained from time immemorial, among laborers who have placed reliance in the rural proprietors established in the mountainous regions of provinces and contiguous estates. In the spring of every year, the heads of families, accompanied by their adult

sons, and leaving the rest of their families on the patrimonial domain, go to furnish the labor called for in the construction or repair of buildings and mending of public roads. At the end of the season, they return in time to put in their crops, and attend to other work required about their residences.

In Paris this custom was very improperly departed from in 1841, when the fortifications were constructed, and since then, in 1852, the era of extraordinary labors continued to the present day. Most of the emigrating class of laborers have been replaced by permanent laborers, which last have been exclusively engaged in unremitting work in the city. These laborers have a clear understanding of the instability of their condition, and combining with the hundreds of thousands of others engaged in other pursuits, form the lowest order of city population. This mass constitutes the most formidable source of trouble and antagonism that has ever been known among a civilized people. Unfortunately, all the influences which have prevailed in France during the two last centuries, have combined to break down the ancient organization. Our governments no longer see the beau-ideal of prosperity in rich rural districts inhabited by the leading classes. Like those of Rome and of Babylon, they have concentrated, as far as possible, all the energetic forces of the country in its capital. Our municipalities have been led to adopt the false regulation of the Octrois, and they have also taken pride in multiplying without limits the populations of their cities.⁵

⁵ A Parisian dignitary, envious of the increased population which London had acquired over his own national capital, one day proposed to a minister a measure which he thought might accelerate the growth of the Parisian population. "Sir," replied the statesman, "I regard the matter in a very different light, and will add that, if in this respect you could make us equal to the English, we might become inferior to the Chinese." This conversation took place in my presence, while still a college student, and left a strong impression upon my mind. It was my first lesson in social science.

In fine, the persons opposed to the established government have always looked with concealed pleasure upon an increase of the masses as a source from which the revolutions they anticipated were to originate.

The manufacturing populations have become greatly multiplied in England, in the coal basins, which there abound, more than in any part of our continent, furnishing the sources of heat and moving-power required by the manufacturing industries. The separation of the two kinds of labor is brought about by excessive concentration which deprives the inhabitants of any means for carrying on rural employments, and by the false science which subordinates the social laws to the economical laws (§ 29). Imbued with this last doctrine, many proprietors flatter themselves exceedingly while advocating the great advantages derived from a subdivision of labor, and with this view, absolutely interdict the families of their workmen from all occupations not strictly connected with the work of the factory.* In drawing comparisons between certain similar groups of occupations existing in England and on the Continent, which have been the objects of my special investigations, I have often shown that this practice was neither justified by the success of the manufacturer, nor by the stability afforded to social order. This remark is particularly applicable to the cutlery and hardware establishments in England, Germany, and France.

* Many English manufacturers maintain the principle that the workman should have all his thoughts concentrated upon his profession. This principle I have seen carried out by the discharge of an excellent workman who had performed his duty at the factory with exemplary regularity, but who had committed the sin of carrying on, at his lodgings, a little trade in spices, conducted by his wife and her daughters.

§ 23.

FOURTH USAGE:—HABITS OF SAVING, SECURING THE PRESERVATION OF THE FAMILY AND THE ESTABLISHMENT OF THE OFFSPRING.

Domestic economy raises itself to the rank of an essential duty when regularly exhibited in attention to family accounts, and when the savings amount to at least a tenth part of the receipts. It affords a good symptom of physical welfare, since it proves that the family enjoys a superfluity. It also shows the existence of certain moral qualities; for the individuals prove by their voluntary frugality that they possess the power to control their passions and check their appetites.

Economy continued through a generation, enables patrons and workmen to educate and establish their children, so that they may be qualified in future to carry on their various occupations successfully. It enables even the father to leave his homestead and its appendages, consisting of movable property and instruments of labor, to that one of his children who he thinks best qualified to preserve the customs of his ancestors. Saving also admits, at the same time, new generations of employers and workmen to continue the good relations established in the manufactory by Custom.

This system thus affords two advantages, equally indispensable to a good social organization. It opens to a superabundant population all desirable opportunities for engaging in employments other than those connected with the factories established by their forefathers; it preserves, without any disturbance, those usages which secure the welfare of succeeding generations, and contributes to establish the most solid foundations of nationality.

Economy practised by employers and workmen is

equally necessary to prosperous nations, whether it be to foster in their colonies the expansion of their race or to preserve or develop in metropolitan families the prosperity attained by preceding generations.

This beneficent practice fructifies all the others. During centuries it has contributed to the grandeur of France, and it secures at the present day a preponderance to nations which have in European factories remained faithful to Custom, and adopted the usages of other European countries. When we trace back the origin of those great men who, in the past centuries, have contributed to give such great eclat to the French name, we frequently find that they have come from some of those humble families which had been gradually raised up by the exercise of economy. Always preserving a position in the middle or inferior degrees of the social organization, such families have been enabled, by judicious employment of their savings, to develop the eminent faculties of some one of their offspring.¹ It is the economy of the father, aided by the pious devotion of the elder son, that has heretofore contributed to send forth, from our small rural estates, so many younger sons who have risen to fame.

§ 24.

FIFTH USAGE: — INDISSOLUBLE UNION BETWEEN THE FAMILY AND FIRESIDE.

This fifth usage, according to which the family stands supported by influences of the fireside, has descended through successive generations. It not only forms one of the essential characteristics of all good establishments, but is indispensable to secure the respectability of the family.

¹ This mechanism of the ancient French Constitution has been described, in expressive language, in the Memoirs of the Duke of Saint-Simon. The passage has been reproduced, in support of some special developments. (*La Réforme Sociale*, Vol. I. p. 301.)

Such is the universal opinion of those who, under the direction of the Social Authorities, have defended their local liberties against monarchical or popular tyrannies. This usage is particularly dear to nations which, in their progressive transformations, have always attached themselves to a legitimate equality based upon merit, and not upon violence or upon mere words (§ 59).

This practice is nearly universally diffused in the North, the East, and the South of Europe. It is also extensively spread in the centre and in the West. In extensive localities within the limits of this last region, it resists in our own day those disturbing influences emanating from revolutions proceeding from corrupt city populations and manufacturing aggregations. These influences would, on the contrary, act with irresistible force as soon as populations were induced to accept the conveniences connected with permanent location, and the fireside influences. This social disorder is, in France, connected with the condition of the unsettled family (§ 6), and with the system of forced division of property (§ 32). It has also, even in wealthy families, prevailed to an extent which has been a subject of astonishment and censure to all Europeans.

The union of the family and fireside is one of the first conditions of the system of constraint and reciprocal dependence of the ancient European regime, which has been perpetuated to our own time in the Oriental region. With Custom, it preserves itself under a status of liberty by favor of three principal combinations which are themselves subordinated to the intellectual and moral conditions of the populations. The heads of families, when possessed of sufficient discernment and control of their appetites to enable them to resist those money-lenders who lie in ambush for them, commonly possess their firesides under a condition of free individual right. When these conditions are wanting, the proprietors make up for the deficiency, as far

as possible, by organizing for the benefit of the families attached to their factories, either a system of perpetual rent, or one of permanent support, lasting during the term of the engagement, which sometimes continues through a succession of generations.²

The comparatively good condition observed to exist among people who have secured the permanent possession of their firesides, admits of a ready explanation by referring it to an economical cause, especially to the great pleasure derived from having no deduction made from their wages

² Persevering studies of the domestic life of European workmen have demonstrated to me that, leaving out exceptional cases (*Les Ouvriers Européens*, pp. 20, 21), there exists but a small minority possessed of real estate who can resist the desire to hypothecate it to procure the means for immediate enjoyment. The feudal regime had placed an admirable check upon this social infirmity of the greatest number of families by a system of fiefs and tenures. The tenant had full right freely to use the property; but the lord interdicted its hypothecation, and reserved his rights to it in case of its sale. The honorable men, especially those of Alsace, who devoted themselves to restore laborers to the usages connected with the possession of the fireside, met with opposition. A recent inquiry has led me to prove that many employers, after having aided their workmen to acquire the rights of the fireside, had found themselves under the necessity of reserving the right to interdict hypothecation. They therefore found themselves, in the interest of their workmen, turned back to the practices of feudal times. Combinations of this kind are discountenanced by the spirit now prevailing under the domination exercised by legislators. They will be successfully re-established when the Social Authorities shall resume their legitimate influence, and when legislators shall be compelled to reduce to a formula the practices adopted by those most interested. Moreover, the privileges of the fireside are, in fact, withheld from workmen less on account of their actual want of foresight, than by reason of restraints imposed by the law of forced partition of property (n. 3). Corporations instituted for public good, liberally constituted, free from connection with public authorities (§ 67), and established with a view to save localities from the physical and moral sufferings prevailing in certain of them, would soon raise millions in the form of gifts and legacies if each prosperous man, enriched by labor, possessed the power of attaching to such a work the memory of his name and the benefits he had conferred upon his posterity. Since the first excursion I made when a pupil in the School of Mines, I have been sensible of the benefits to be derived from such institutions; for I was then brought to admire, in the Hanoverian Hartz, the beneficent custom which assisted the laborers in the mines to acquire and preserve the property attached to firesides (*Les Ouvriers Européens*, pp. 36 and 140).

for house-rent. An attentive examination always soon shows that this good condition results especially from a combination of moral influences. In this respect, all the population maintain the opinion that the previous acquisition of a home is an imperative duty with every new family. Parents constantly insist upon the necessity of their children getting homes when they cannot be accommodated in their paternal dwellings. Employers show the same solicitude in regard to new families who desire to attach themselves to their establishments. But it is the women especially, who, in times of prosperity, make themselves in this connection the auxiliaries of moral order, as in epochs of decline they become the principal agents of corruption. When the fifth usage is held in honor, no young woman will consent to take upon herself the management of a family when she or her husband does not own the house, so that the most lively sentiment of human nature excites the youth of both sexes to efforts of industry and economy, which are comparatively rare when this stimulant has been once destroyed by an unfavorable system subsisting between proprietors and tenants.

The moral effects of these efforts begin to show themselves as soon as the material results are attained. The previous preparations to secure a home for a family, like other usages which I shall have occasion to notice, exert a good influence by leading to the formation of economical habits. These also act not only indirectly, but directly upon the organization of manufactories. Those who place the necessary possession of the fireside in the first rank, seek for country establishments near which they can easily provide for this important interest. Most of those who decline the trouble necessary for the acquisition of fixed lodgings, seek after sensual indulgences, which are not so commonly found in country life. They, therefore, give a preference to establishments in cities, where

public opinion tolerates the abandonment of the most salutary rules established by Custom.

The quietude which exists in the East (§ 9), even in the poorest families, from the permanent possession of the domestic fireside, is the characteristic of Oriental manners which first opened my eyes in regard to the fallacy of certain doctrines³ propagated in the West in regard to the organization of societies. In proclaiming the absolute superiority of the new usages substituted for this quietude, with the recriminations and hatreds existing at the present time, there is an evidence of positive blindness.

The parties which for eighty years have given trouble to France by their contradictory opinions, might find in the question of the fireside influences an opportunity of uniting their efforts in achieving a fruitful reformation, since it concerns, at the same time, individual welfare and national dignity.⁴ This work would seem to be easy and of short

³ The mischief produced in France by doctrines which denaturalize the true relations which should exist between proprietors and laborers, is greatly aggravated by the law of forced partition imposed upon us in 1793, and which has been continued by the first empire, among the classes in moderate circumstances (K). At Toulon (Var), according to the interesting researches of M. O. Teissier, most families still possessed, at the time mentioned, the dwellings which their ancestors built in the Middle Ages. To-day, on the contrary, operatives generally live in hired tenements. The attempts made in several places (n. 2) to render laborers proprietors of their dwellings, have been hitherto unsuccessful, for the sales which necessarily follow upon the death of the owner causes the property to pass into the hands of speculators or capitalists, who create a revenue by establishing a system of tenements. When the day of true reform shall come, it may be readily believed that such an anti-social system will not long be maintained in presence of the general necessities of the country and the special interests of the families of the laboring population. That system of constraint which multiplies these deplorable sources of revenue to the profits of capitalists, affords a practical explanation of the aberrations which, at the present day, induce so many laborers to regard the accumulation of capital by saving a positive evil (J).

⁴ The advantages which France derives from the use of four words (§§ 57 to 60) afford no compensation for the inferiority of her system of lodgings, where a comparison is made with a system of proprietorship, the benefits of which extend to all the people of the East.

duration, if taken hold of by those who would employ the true method, that is to say, who would previously study all the details comprised in the fifth usage. The true friends of the people, those who manifest their devotion by deeds rather than mere words, will, as soon as they are brought to understand the necessity of this reform, set themselves to work to bring it about. They will make sure work of it, as they will find excellent models in innumerable localities, where entire populations, without any exception, possess their domestic firesides.

This reformation is no less necessary than the restoration of other elements of moral order. But, from the evidences of the good effects to be derived from it, it seems to be the most opportune and the most readily accomplished. The influences of the Decalogue and Custom will easily re-establish all that has been destroyed by error and the revolution. The actual superiority of Western nations over the people of other times and other regions is, in many respects, a certainty. But this would only be partly demonstrated if the mass of those nations remained deprived of that property which was acquired by poor families in the Middle Ages, and which the laws of Eastern countries would have universally secured to them. The true conditions of reform will be obvious to any one who, in studying the present, refers to the past. Temperance among workmen takes the first rank ; fidelity to the proprietor comes next, and, with others, the sentiment of solidarity. It is, however, evident that reform is impossible under existing circumstances. While an anti-social law continues to destroy the exercise of the private virtues, it can only describe an irregular circle.

§ 25.

SIXTH USAGE: — RESPECT AND PROTECTION GIVEN TO WOMAN.

The sixth usage is specially manifested in the respect imposed by institutions and manners upon man in his intercourse with woman; in the penalties inflicted, by authority of law, upon those who neglect or offend against such requisitions; and lastly, in those customs which confine to the household, as much as possible, the duties of the woman, relieving her from cares and interests beyond the domestic dwelling.

This practice is, in many respects, the point of departure for five others. Thus, when young persons do not submit to the efforts necessary for the previous acquisition of the fireside (§ 24), and, at first setting out in life, do not accustom themselves to the observance of other essential usages, and where the marriage vow does not preside over the entire social organization. In this matter, the accordance of the religious law and of the civil law has ever proved one of the foundations of all prosperous societies; and it is especially the oblivion of this principle which has plunged into abominable corruption so many nations which formerly enacted important parts in history. To-day, as in the past, one of the keystones to the arch of the social edifice is the respect accorded to the character of the woman.¹

The corruption of manners in the courts in the eighteenth century, has evidently been the cause of the revolutions which have desolated Western Europe. It has especially exercised its fury upon France, and struck a blow at her

¹ "There are so many evil effects resulting from the loss of virtue in women, all their soul is so much degraded by it, that this principal quality once lost, all others as a consequence fall to ruin. Hence, under a popular government, public incontinence must be regarded as the last of misfortunes, and certain indication of a change in the constitution." (MONTESQUIEU, *Spirit of the Laws*.)

social constitution from which she has never recovered. The people whose renown and power are greatest at the present day are those who, like the Americans of the United States, have made the most effective resistance to this corruption, or those who, like the English and Prussians, have most strongly reacted against it. These nations continue to respect a principle of the ancient French regime: they give legal guarantees to the family against the seduction of young girls. According to the Prussian law, seduction is a crime punished by magistrates. According to an ancient Anglo-Saxon custom, seduction implies breach of contract in marriage, that is to say, the most sacred of all contracts. In England, this custom had been partially violated through the corruption of the Tudors and the Stuarts. In the United States it has been introduced in all its purity by the first colonial settlers, and is still respected.² The judge is empowered, in cases where marriage does not take place, to condemn the seducer to pay to the victim a heavy pecuniary indemnity. During the first half of the present century, these decisions have often involved the offenders in a total loss of their fortunes; and I have been assured that the American judges remain, in this respect, faithful to their duty, in spite of the corruption which in our day has invaded this great empire (§ 60).³

Society at large should be placed under the influence of these principles. It never approaches perfection except when, with religious and civil institutions, the ascendancy of the discreet and chaste woman is acknowledged and

² The contemporaries of Washington, Madison, and of J. Quincy Adams, had been brought up under the influences of customs even more severe than Prussian laws at the present time. The ancient code of Connecticut pronounced the pain of death for breach of the seventh commandment. It also gave a judge the authority to require reparation, by marriage, for breaking the seventh commandment, and to punish delinquents by whipping and fines.

³ *La Réforme Sociale*, Vol. I. p. 144.

maintained.⁴ Many manufacturing establishments, under the best organization, acknowledge this principle by the adoption of certain appropriate usages.

These usages, under various forms, are all derived from the same principle, namely, that of leaving the mother of the family and her daughters at their domestic fireside, and systematically resisting that pretended improvement which connects them with the labor of the factories. This is one of the fundamental laws necessary to the organization of a manufactory, and hence the International Jury of 1867 has been unanimous in classing in the first rank those manufactories where such principles are most effectually maintained.⁵ In adapting their arrangements to these rules, some proprietors, it is true, subject themselves to more or less immediate inconvenience ;⁶ but they nevertheless protect themselves from future losses which, in a thousand ways, are brought about through the employment of corrupt families. From careful researches it has been established that, in a multitude of cases,⁷ the permanent residence of the mother and her daughters at the domestic fireside is no less advantageous in an economical than a moral point of view. The females at home obtain, by the exertions of domestic industries and cultivation (§ 22), those products which are commonly found of more value to a family than wages gained at the factories.⁸ The husbands and brothers find, in a family constantly living to-

⁴ The wise and virtuous woman has a grace which surpasses all others. (*Ecclesiasticus* xxvi. 19.)

⁵ The International Jury of 1867 has, under this head, particularly referred to the rural cutlery manufactory of M. Goldenberg, at Zornhoff, near Savern (Lower Rhine). (*Rapport sur le Nouvel Ordre de Récompenses*, p. 55 (Q).)

⁶ *Rapport sur le Nouvel Ordre de Récompenses*, p. 57.

⁷ One can be readily convinced of this fact by comparing the domestic accounts of sixty-two families described in the work so often referred to (O and P).

⁸ See, for example, the monograph du Moissonneur-emigrant du Soissonnais. (*Les Ouvriers Européens*, p. 238.)

gether, a charm and a comfort, which serves to restore their physical strength, soften their characters, and render them altogether more capable of performing the labors of the factory.

The International Jury of 1867 has also rewarded, in a special manner, those who employ female labor only in work which can be performed at their own firesides.

The same jury has equally expressed its high approval of the usages reported as applicable to the present conditions of commercial competition where certain kinds of work can only be performed by young girls assembled in great factories, with machinery moved by powerful engines. The proprietors will have mitigated the inconveniences connected with this state of things, and even drawn from them certain material and moral advantages, when they have rigorously carried out the following programme: Absolute exclusion of married women; admission limited to young girls during the period preceding marriage; special arrangements in regard to places of labor and recreation for the operatives, connected with other places to which access is forbidden to all strangers; domestic organizations calculated to keep the young girls under the supervision of women worthy of confidence, and capable of instructing them in all domestic duties; solicitude on the part of the proprietor and the ladies of his family¹⁰ to watch incessantly over the intellectual, moral, and religious necessities of the operatives; attention to pecuniary concerns by encouraging the saving of earnings not immediately required for family uses; and creating a fund which may enable them to make advantageous marriages. The jury have referred in terms of eulogy to one of the great establishments of Massachusetts,¹¹ where these usages appear to have

¹⁰ This beneficent part has been well performed by the family of M. Staub, proprietor of a filature in Kutchen, (Würtemberg.)

¹¹ Pacific Cotton Mill, Lawrence, Massachusetts, under the direction of M. W. Chapin.

first originated in the beginning of the present century.¹³ It has shown that such usages have also been acclimated, with complete success, upon European soil, and an establishment in Baden is referred to in which the problem has been so successfully solved, that the young girls admitted into it are especially sought for by young men contemplating matrimony.¹³

Since the year 1830, a study of the mines and foundries of Auvergne has shown the happy results derived from the protection given to young girls in the working establishments of that section of France.¹⁴ It has proved that industry conducted under these conditions furnishes the means of ameliorating the moral condition in the midst of certain agricultural communities.

¹³ MICHEL CHEVALLIER, *Lettres sur l'Amerique du Nord*, tom. i. p. 226; 2 vols. Paris, Oct., 1836.

¹³ Filature de soi de Charles Metz, Fribourg, Baden.

¹⁴ *Les Ouvriers Europeens*, xxxii., note (B).

CHAPTER III.

INVASION OF EVIL, OR CORRUPTION.

§ 26.

ORIGIN OF EVIL.

IT does not suffice that the practice of the good has been established in the heart of a nation through the influences and examples of certain worthy men. It still remains necessary to secure society from future invasions of evil by raising up institutions as barriers against its encroachments. It is likewise essential that the influential classes should not rest too confident in themselves, but in order to be prepared to resist the insidious advances of corruption, that they should continue to exert constant vigilance.¹

The principal source of evil is derived from that original sin inherent in human nature, and which is perpetually springing up in successive generations and manifesting itself in the midst of societies existing under the most favorable conditions. By permission of Divine will, it seems that this source of evil is allowed to remain, and man too often makes use of his freedom to infringe the laws of nature and of social order. But to this constant cause of evil, prosperous societies take care to provide cer-

¹ In England, the members of the privy council (one of the principal bodies of the State), upon entering upon their duties, pledge themselves to remain free from corruption.

tain remedies. Injurious influences may often have their effects mitigated by good institutions, placed under the supervision of men who have been fostered and formed under them, or been naturally endowed with an excellent organization. On the contrary, they may be aggravated by vicious institutions, or through influences exerted by bad men. Geography and history both teach us, that, placed under the prolonged action of such evil agencies, man may become so debased as to reach the lowest degree of degradation.

The secondary causes operating in the production of evil are very numerous, and may even spring from national prosperity. Their most prominent symptoms are, pride engendered by success, the sensual appetites encouraged by wealth, and oppression from abuse of authority. These disorders, when once developed, are reproduced as successive generations born to wealth and authority come to replace those by whom those acquisitions were made, through the influences exerted by labor, talent, and virtue. These three causes, aided by many other agencies, are incessantly operating in private and public life.

Man, in fact, in the height of prosperity, readily inclines to vanity, pride, and presumption. He claims as his proper right, and as if gained by his own exertions, that wealth which his meritorious ancestors regarded as bestowed by Divine beneficence. But, far from acquiring strength from this usurpation, his sentiments soon become perverted or destroyed. They may, through Divine favor, be some time kept alive, but they gradually perish under the influence of evil, and decay succeeds, attended with diminution of social discipline and moral order.

When the physical appetites are no longer held under restraint by moral law, the senses contribute greatly to disorder ill-regulated minds. Coarse and vulgar habits are often the visible evidences of mental aberration. Through

the operation of evil influences, a refined society has sometimes, even in the course of a single generation, become addicted to the most scandalous irregularities (§ 17).

These two sources of corruption are more quickly developed among the governing than among the other classes. In an elevated medium, they are sometimes associated with an exaggeration of authority, and at others with too much relaxation of discipline. They always, however, lead to a loss of regard and respect among the governed, that most numerous class which furnishes the solid supports of the social edifice. The diminution of this principle of social authority gives rise, in its turn, to a multitude of irregularities. It especially exerts its sad influence upon women and young men, who, more than those who have reached to maturity, require the assistance of wholesome restraint. Previously to the loss of that modesty and chastity which indicate the last stages of demoralization (§ 25, n. 1), the common symptom of declining authority is seen in the liberty allowed to women and young people to run into extremes in fashions and amusements. This kind of irregularity has been strikingly exhibited in our history, during the two epochs preceding corruption: namely, under the Roman domination (§ 13), as well as under the last of the Valois (§ 15).² It has been produced in our own times, accompanied by the most deplorable characteristics.³

All these disorders have, during the two last centuries, directly contributed to disturb the regular habits of labor.

² "Plato, in his six laws, says that the most damaging plague to which his city was exposed existed in the liberty allowed to young people to indulge in the changing fashions of dress, gestures, dances, songs, and exercises of one kind or another." (MONTAIGNE, *Essays*, Vol. I. c. xliii.)

³ Opinion of M. Dupin (procurer-general) in regard to the unbounded indulgence of women in extravagance of dress and luxury. The fashion for narcotics, contracted by the young generation, and even by children, is an innovation fraught with still more dangerous consequences to the coming generations. (SENAT; *Séance du 22 Feun*, 1865.)

The superior classes, perverted by royalty and its appendages (§ 17), have repudiated the six commandments which prescribe reverence to God, to parents, and to woman (§ 4), and the example of their profligacy has introduced disorganization into cities and countries. The proprietors of many of the city and rural manufactories have followed these examples. Thus demoralized in manners and sentiments, and further injured by false economical systems imported from England (§ 29), they have violated ancient Custom. They have, above all, renounced the system of permanent engagements, and thus severed the ties by which they were united to their workmen (§§ 20 to 25). In their turn, the workmen have, little by little, become perverted through this long train of evil examples.⁴ In the

⁴ The present disorders among the working classes of Paris and outskirts, come from a direct affiliation with the irregularities of the king who, in 1661, inaugurated the era of corruption. The announcement of this fact should greatly contribute to advance the cause of reform. Among the most useful essays upon this subject, I will refer to the following: Monographs Nos. 11 to 13, *des Ouvriers des Deux Mondes* (P); the works of M. Villermé upon the present condition of workmen; considerations by M. Louis Reybaud, of the Institute, upon the consequences of the bad example set by the leading classes; correspondence and memoirs descriptive of the private lives of influential men during the Directory and Reign of Terror; J. J. Rousseau, Voltaire, and most of the encyclopedists and ladies who propagated their opinions; the Journal of Barbier upon the epoch of Louis XV.; the writings of the Duchess of Orleans, and of Saint-Simon, upon the epochs of the Regency and of Louis XIV.; lastly, French Society in the Seventeenth Century, by Victor Cousin, showing the transition from the good manners of the time of Louis XIII. to the corruption of Louis XIV. Among the official documents which best depict the personal acts of the two kings during their work of corruption, I may especially mention the letters-patent by which they conferred high degrees of nobility upon their concubines. I will add to the details given before (§ 17), by quoting the letter by which Louis XIV. announced to M. de Kéroualle the honors bestowed upon his daughter, concubine of the king of England. Nothing could more clearly show the mixture of majestic arrogance and cynicism which were the chief characteristics of the king, and which gave him that ascendancy which enabled him to corrupt his courtiers. "The important services rendered to France by the Duchess of Portsmouth have decided me to make her a peeress, with the title of the Duchess d'Aubigné, for her and her descendants. I hope that you will not be more severe than your king, and that you

cities especially they have fallen into a state of corruption less profound, perhaps, but more repulsive than that of the leading classes. Deprived of the security without which no one can either appreciate the blessings or support the evils of this life, they have contracted a hatred for the new social order. Detached from Custom, they bestow their sympathies upon chimerical conceptions which the best human experience condemns. They are always ready to disturb social order with a view of realizing their chimeras, and they thus become the artisans of their own ruin.

§ 27.

PARTICULAR CHARACTERISTICS OF THE EVIL EXISTING AT THE PRESENT DAY.

/ The evil existing among us at the present day exhibits many symptoms common to other epochs of disorder (§ 7); but it is also distinguished by certain peculiarities which were never before presented in our history. Corruption, which, under the last of the Valois (§ 15), and under the latest regime of decline (§ 17), extended no further than to the courtiers and wealthy classes, has, since the Reign of Terror, appeared among the classes devoted to the useful arts. This novelty every day assumes the most formidable characteristics; and even when the elite of the upper classes are beginning to recognize and return to the good, the inferior strata of the nation abandon themselves more than ever to the indulgence of evil propensities. Corruption has not changed its nature, but it is diffused through a new medium, and, under the present conditions, it is evident that reform cannot be more easily accomplished than in the seventeenth century (§ 16).

will withdraw the malediction which you have thought proper to let fall upon your unfortunate daughter. I desire this of you as a friend and true subject, and demand it of you as your king. LOUIS."

During the civil wars of the League and of the Fronde, our ancestors were preserved from the extremes of evil by the conditions of private life (§ 67) and of local government (§ 68). France was then organized by small groups united into rural parishes, burghs, agricultural estates, and rural and city manufactories, in each of which unity in thought and action was maintained by chiefs possessing the respect of all. In each of these groups, the mass was equally composed of the heads of families exercising their authority over numerous circles, and possessing either the full right, or, in a greater or less degree, the usufruct of the family home. Influence was thus maintained in the smallest subdivisions of the social body, by men who were competent to prove, by their own good examples, that the sources of public and private prosperity are derived from practical piety, influence of the family circle, labor, and respect to social order. Placed under such influences, the mass of the nation becomes identified with the guardians of public peace. Should discord show itself in the State; the inexperienced and hot-blooded youth, the misled spirits, and the unclassed individuals who pant for social antagonism, would not be able to extend evil beyond certain limits. The parties engaging in war are often forced into it by false notions. They sometimes deliver themselves up to the perpetration of those massacres which have left direful mementos in our history, and manifestations of extreme depravity. But, in regard to all other matters than those involved in the quarrel, they have preserved the truth. Thus, when the contests have ended, social order and peace have returned, and every one has sought tranquillity in his family or workshop.

France to-day exhibits only exceptional social groups, whose members, submissive to the moral law, are bound together by the ties of affection and respect. Since the time of Louis XIV. all governments have inculcated that

these ties should be superseded by the guardianship of the State, and, in accordance with this doctrine, all the administrations which have succeeded since the year 1791, have endeavored to rival the ancient regime in decline (G).¹ Such efforts have, in fine, triumphed over the traditions of our race and of our old national privileges. The spirit of solidarity, or permanent engagements, no longer exists among us, but in exceptional cases in the family, the workshop, or local government.² Since the year 1830 espe-

¹ I shall not here reproduce an enumeration of the various evils which at the present day weigh heavily upon the personnel of the factories in Western Europe, and especially upon the operatives. These facts have long since obtained great publicity in England through reports of parliamentary committees; in France, by the works of M. Villermé, A. Blanqui, Louis Reybaud, Jules Simon, and other able writers. Admitting that the condition of the malady has been made sufficiently well known through these labors, I have specially applied myself to the discovery of some method adapted to preserve a healthy state in certain manufactories, to the causes which have exerted evil effects upon many others, and afterwards to the remedies which have been successfully employed in them. Chapters II., III., and IV. give successively epitomes of the three groups of inquiries. My plan therefore leads me to dwell here upon the origin of evil rather than upon the details of social troubles, which appear to be sufficiently described.

² The moral condition of our small localities differs very materially to-day from that of the period which I am about to recall. I have recently had occasion to study a small commune in which the municipal councils refused to pay the country guard, because that agent, in the line of his duty, had charged the majority of the members with disobedience to the police regulations in regard to slaughter-houses, health, hunting and fishing, appropriating the property of the commune, etc. I have met with other cases where an electoral coterie sold its influence, and systematically excluded men of respectable standing. I have even known one rural commune where a large proprietor, considered as a public benefactor, has expressed his regret that he had never been able to gain admission into the council composed of the small proprietors, operatives, and keepers of cabarets. In reply to his remonstrances, and in eulogy of the person excluded, they said: "Oh, monsieur, you are perfectly right. M. le Duc is the pearl of men and the patron of the country. We all esteem him; but we don't want any bourgeois among us. (Nous ne voulons pas de bourgeois parmi nous!)" Those who would reorganize the local government (§ 68) without taking into account this decline in manners, would expose us to mistakes which had best be avoided. Such mistakes may again lead to discouragement. During two centuries we have been brought up to support the abuses of constraint more than the abuses of

cially, it has been destroyed in most of the old places of labor, and at present, in the workshops, as well as in some more recently established, the proprietors and operatives are only actuated by a spirit of opposition. Neither the one nor the other can be congratulated on any beneficial changes of manners or regulations brought to them by Custom.

The decline in our manners is, moreover, perfectly characterized by the contrast which exists between the civil discords of the modern and harmony of the old regime. Formerly the employer entered into the contest surrounded by his workmen and servants; to-day he finds all these arranged in the camp of the enemy.

§ 28.

THE TWO PRINCIPAL FORMS OF THE INVASION OF EVIL.

The evil by which the places of labor in Western Europe are troubled at the present day, presents nearly everywhere the same characteristics, and leads to the same result, namely, the antagonism of the various classes of society. But it introduces itself into different countries in different ways.

Occasionally disturbances take place in the midst of some of these places of labor, while order is maintained in others. The practices founded upon Custom have, little by little, fallen into disuse; afterwards, the people, deprived of that tutelary support, have abandoned the precepts of the Decalogue. Now and then, on the contrary, forgetfulness of the Decalogue, induced at first by the bad examples set by the leading classes, has led to corruption of the manners and institutions; and Custom, having lost

liberty (§ 8). In discarding the Decalogue, Custom, and the family-head, France has lost the rein which moderated the inconveniences connected with two regimes.

its influence, has left the field abandoned to general disorganization.

These two principal forms of the invasion of evil are particularly observed in England and France. It is proper to give them separate consideration, in order to discern the different shades which reform may assume, whether in the two countries just named, or in other parts of Western Europe. The two following sections contain an epitome of this study.

§ 29.

IN ENGLAND, EVIL WAS INTRODUCED BY ABANDONING CUSTOM.

Disorder in the sphere of labor first showed itself in England during the first years of the present century; that is to say, in an epoch when moral order was established in the minds of the leading classes (§ 30, § 31, n. 10). It had its origin, and has grown daily, under the influence of three principal causes, derived less from positive errors than from the exaggeration of certain truths.

The first cause arose from the division of labor, that is to say, from a practice which only proves beneficial when it accords with Custom. This abuse originated under circumstances altogether new, and the consequences of which could not at first have been foreseen. The remarkable discoveries which brought the coal-mines to subserve the manufacturing interests by affording unlimited supplies of heat and motive power, have caused other sources of human welfare, not less important, to be overlooked. The proprietors have no longer taken into account the advantages which the laborers once secured to themselves by combining domestic industries with their work in the manufactories (§ 22). Exclusively preoccupied by the technical details of production, these inconsiderate proprietors have forgotten the duties imposed upon them

by the six requisitions of Custom (§ 19); and financial success seemed at first to justify these innovations. Those who were engaged in mining, in rivalry with each other, pursued a similar course, and they unscrupulously drew the workmen from all rural employments by offers of the most tempting wages. Without giving them any guarantees of security, by at first providing the moral direction, which, up to that time, had ever been regarded as indispensable to the existence of a civilized people, they aggregated them in towns. ✓

✓ The second cause of evil is the excess of manufacturing labor. The English people place too high an estimate upon the advantages derived from the accumulation of wealth, and give themselves little inquietude in regard to the inconveniences resulting from the sudden crowding of populations periodically subject to uneasiness, exposed to cruel instability, and impelled by feelings of opposition irreconcilable with all social order. ✓ They do not perceive that by the continuance of these evils, wealth must, sooner or later, cease to be a power, and that the progressive extension of so vicious a system will, in the end, compromise the existence of one of the most solid constitutions which history presents to us.

The third cause is the exaggeration of certain doctrines relating to the economy of labor. This evil has been propagated by many writers, who, ignorant of the usages of prosperous places of labor (§§ 19 to 25), have drawn a systematic distinction between economical order and moral order. They have constructed a theory upon the most lamentable facts connected with the new manufacturing system. They have paid no regard to the reciprocal duties imposed by secular Customs upon employers and workmen, which all the Social Authorities (§ 5) of the Continent, and of England herself, continue to respect. Thus, for example, they have assimilated the social laws fixing

the wages of workmen to the economic laws which regulate the prices of goods or products. By this means they have introduced a germ of disorganization into the sphere of labor, and led the proprietors to hold themselves no longer bound by conscience to regard the salutary obligations imposed by Custom (§ 20).

Such were the principal causes which, from 1830 to 1848, led to the deplorable state of things, in regard to which so much discussion has taken place in the English Parliament. From hence have originated those symptoms of decline, treated of in certain official reports of Parliamentary committees, in which the word *barbarism* has been found too mild a description, and the word *bestiality* most appropriate.

In spite of the innumerable reforms³ which have been accomplished, either by legal restraints or the voluntary efforts of individuals, the crowded manufactories of England are far from presenting a satisfactory condition. In their state of corruption, uneasiness, and opposition, they still present a strong contrast with the sound morals, welfare, and tranquillity existing among the inhabitants of the surrounding country. The prosperity derived from an abundance of mineral combustibles, the extent of maritime shores, and the excellent organization of moral life, has, up to the present time, masked the decline introduced into the English nation by her manufacturing industries. England has, in all respects, furnished the Continent with bad

³ The public officers who engage in these efforts to promote reform, are generally empowered by law to check the abuses growing out of the employment of women and children in the great manufactories. But, in exercising their functions, they have arrived at the conclusion that it is no less necessary to return to regulations of former Custom in what concerns grown men. They especially begin to comprehend the advantages secured to workmen, as well as employers, by permanent engagements (§ 20). Thus, an inspector of manufactories cites the success obtained in the Conset Iron Works, where engagements by the week were replaced by engagements for the year round, according to the old Northumberland Custom.

examples in regard to this subject, and she cannot much longer postpone reform without seriously compromising her future destiny.

§ 30.

IN FRANCE, EVIL HAS BEEN INTRODUCED THROUGH OBLIVION
OF THE DECALOGUE.

France is ten times less rich in coal basins than England ; and in what relates to her maritime commerce her condition is even much less favorable. In both respects, however, she is superior to most of the other nations of the European Continent, and consequently has adopted more than any of these the evil examples set by England in aggregating beyond measure the miners engaged in developing her coal mines in certain localities. Nevertheless, the evil introduced under this form about the year 1815, is of little importance, viewed in its material relations, compared with the invasion of disorder and corruption to which it has given rise.

The relative positions of France and England have, in fact, been completely reversed since the middle of the seventeenth century. At that epoch, the two first Bourbons (§ 16) having triumphed over the corruption and antagonism spread in Western Europe in the sixteenth century by the clergy and the sovereigns (§ 15), England, under the republic and the Stuarts, remained plunged in evil. In the beginning of the nineteenth century everything was changed. In England social antagonism had gradually abated under a new dynasty ; the manners had been reformed under the salutary influence of humiliations occasioned by reverses in the American war, the good examples set by George III., the religious zeal exhibited by the Dissenters, and the rivalry existing between these and the members of the established churches of England and Scotland. In France, on the contrary, no remedy had been

found for the evil propagated by the ancient regime in decline, and by the revolution. The military enterprises of the first empire had momentarily quieted social antagonism ; but they left the field open to the growth of corruption propagated by scepticism (§ 17).

The evils inherent in the manufacturing system and in the English economic theories, were, after the restoration of a general peace, quickly imported into a society in which moral order had been incessantly weakened since the reign of Louis XIV. Under these conditions, the most salutary usages of Custom could not long resist the development of internal corruption, and the invasion of errors from other countries. It may thus be explained how the lapse of a single generation was sufficient to create, with the aid of the political antagonism which had desolated the preceding epoch of decline (§ 15), that social antagonism which our ancestors had never known.

I do not know whether historians can be found, capable of pointing out such a constant succession of evil influences acting in opposition to a persistent inclination toward the good (§ 18). For myself, while making the most diligent efforts to discover the cause, I have been surprised to find that good traditions still exist in our rural and city places of labor, fostered by the antique virtues of our race ; and that these have, in some places, successfully resisted the evils let loose upon the country. The International Jury of 1867 has been able to discover among the laborers of our own soil many of those worthy of the highest rewards. Would that my fellow-citizens might cease for a moment from their sterile discussions, and study the usages of the Social Authorities, the guardians of salutary Custom (§ 5), and seek to acquire from them the true elements of Reform !

§ 31.

HOW REVERENCE TO GOD, AND RESPECT TO PARENTS AND
TO WOMAN, WERE LOST IN FRANCE.

I have, in general terms, described the successive invasions of corruption under the ancient monarchy, and afterwards under the revolutions of our own time, and shown that these two epochs offer more analogies than contrasts (§ 17). In approaching my special subject, I shall point out the intimate connection established during the two periods of decline between oblivion of the Decalogue and the abandonment of Custom (§ 30). In drawing more nearly to a conclusion of this subject, I have again to insist upon the principal result of that long epoch of corruption; the habitual violation of the duties which are due to God, to parents, and to woman; in other words, upon the abandonment of the six commandments not sanctioned by our penal Code (§ 4), which impose the three principal forms of respect designated.

The most brilliant efforts of the ancient regime leading to decay, were employed against God and religion. By these were created that celebrated school of scepticism, to which all the courts of Europe, except that of the Turks, submitted themselves.¹ These aberrations, beyond any

¹ See the Correspondence of Voltaire with Frederic II., King of Prussia; Catharine II., Empress of Russia; Charles Theodore, Elector-Palatine; Frederic William, Margrave of Bayreuth; Wilhelmine, sister of Frederic II., and wife of the preceding personage; Stanislaus, King of Poland and Duke of Lorraine; Elizabeth, Princess of Anhalt-Zerbst; Caroline, Margravine of Bade-Durlach, etc.

Frederic II., one of the most famous men of that age, regarded all religions as aberrations of the human mind. The tolerance which he extended to them originated equally from policy and contempt. He had no idea of the spirit or the morality connected with Christianity. Wisdom, he maintained, dictated a moderate ease of pleasures, intellectual and sensual. He summed up his doctrine in the following words: "*Le Mondain* (of Voltaire) is a pleasant composition, breathing throughout nothing but joyousness; and, if I may so express my-

known precedent, had for their end results equally unheard of—spoliation, exile and massacres of the clergy, with Christianity, in the Reign of Terror, abandoned to the official doctrines of Reason and Deism. The catastrophes which followed the French revolution operated as a wholesome warning to the rest of Europe. The superior classes, and especially those in England, Prussia, and Russia, were brought to a knowledge of their errors, and strengthened their religious faith.

Unfortunately, many causes still exist to prevent any decisive results in restoring religious reform in France and other parts of Europe. The class which is most numerous and the most intelligent, after having become imbued with the errors spread by the revolution, remain, in accordance with their habitual character, faithful to their established routine² (§ 2). With more passion than judgment, it retains the impressions made by the writings sent forth in the eighteenth century.³ Through an injudicious course of

self, presents a true code of morality. The enjoyment of pure voluptuousness is the only reality left to us in this world. I refer to the kind of voluptuousness which Montaigne speaks of, as not consisting in the indulgence of excessive debauchery." (*Letter to Voltaire*, Dec. 23, 1736.) At the same time, George II. practised, alternately in England and Hanover, a philosophy still more materialistic. At Munich, the depravity of the Court of Versailles was propagated along with the scepticism of Voltaire. This Court gloried in having a Montespan, and its ladies introduced the most shameful manners, a description of which has been preserved by an English diplomatist. (*Memoir of the Right Honourable Hugh Eliot, by the Countess of Minto*. Edinburgh, 1868.)

² A hope for France has been many times held out to me by men who foresee the formidable consequences which must ensue from the propagation of scientific scepticism (§ 39), and who in the presence of this new invasion of evil, recognize as allies all who believe in a God. Among those who are best known abroad for their eloquence and high talents, I have often heard the names of Count de Montalembert, the eloquent historian of the Monks of the West, and of the celebrated orators at the Conferences of Notre-Dame de Paris, the Abbe Frayssinous, the R. P. de Ravignan, the R. P. Lacordaire, the R. P. Félix, the R. P. Hyacinthe.

³ Many workmen brought up in the crowded cities of Western Europe devote themselves, at the present day, to this kind of propa-

historical instruction, our young men are left too ignorant of the grand effects produced by the Christian religion upon their ancestors. The scientific scepticism of the Germans (§ 39), coming to the aid of the old scepticism of the French, exerts itself with ardor to destroy all notion of God by the evidences of the physical sciences.

This new form of error finds a favorable medium in a society where the directing classes, influenced by a bad system of education, have strangely exaggerated the importance of the material world. It propagates itself easily among the rising generations, too much released from apprenticeship to trades, and withdrawn from fireside instructions and influences. Finally, the manners and ideas to which our race has been subjected during two ages of royal and popular tyranny, have almost annihilated the existence of the established religion in France. Many Catholics, instead of forming an alliance with all other Christians to combat the various shades of scepticism, provoke a veritable civil war in their own Church. They spend their zeal in violent disputes in regard to points which the authority of venerable traditions, and the best experience of other nations at the present day, have regarded as of secondary importance. They wish to introduce into the church government that habitual intolerance and those bureaucratic forms connected with our civil life. Abusing the principles of unity and hierarchy, which constitute the strength

gandism, by addressing meetings in Paris, as well as in other parts of France, Switzerland, and Belgium. After the lapse of a century, these reproduce the literary aberrations inculcated by the leading classes in the ancient regime. On the other hand, the governing classes, perceiving the dangers threatened by such disorders, strive to maintain the traditions of the ancient absolute monarchy, relying more upon the strong arm of power to oppose the evil than upon the force of evidences drawn from reason and religion. It is, doubtless, more easy to oppose silence against error than to demonstrate the truth. But the leading classes who commit this fault expose themselves anew to the catastrophes brought about by the same fault which distinguished the close of the seventeenth century.

of our Church, they provoke the Roman bureaucracy to encroach upon the privileges of bishops, chapters, and even of simple ministers. Under their influence, social antagonism, and a spirit of uniformity, tend to give trouble both to Church and State. This intestine strife leads to deplorable consequences. Those who recognize the dangers involved in scepticism, hesitate to join the ranks of its opponents when they see them display so much intemperate zeal and passion. They vex themselves in making resolutions, which, in regard to the most prominent questions in dispute, are only calculated to gain the approval of a majority holding similar views. They are afraid that the restoration of religion might be hereafter followed by massacres and butcheries.

The authority of the parent is no better established than that of God, and even shows less tendency than this to any restoration. Shaken, in the eighteenth century, by the corruption of manners during the absolute monarchy, legally destroyed by the Convention, it has been positively declared incompatible with the public interest (E). The father has been deprived of his liberty to devise his property to his children, that is to say, of a privilege properly belonging to all civilized people. Ever since that time, the father has been in the condition of a sovereign before his subjects, deprived of all means necessary to repress their rebellion. Literature exercises a similar influence to that of the law, and by assertions which falsify reason, engages in incessant combats against the authority of the aged and mature (B), assertions which few persons will undertake to refute. Hence those social disorders which, up to the present day, constitute a characteristic of our country. In the inferior classes of society, the evil manifests itself in cynicism (A). Outwardly, appearances are better guarded; but the reality is none the better; for the youth, secure in their equal rights

of heritage, revolt against the discipline of the fireside, and refuse in their turn to fulfil those duties appertaining to Custom, which refer to the workmen of the paternal manufactory (§§ 20 & 32). Their great desire is to spend the wealth created by the labor of their sires, in idleness and dissipation.* (C.)

The loss of proper respect for woman is a marked trait in our existing manners. Adultery, first introduced openly at the Louvre by the last of the Valois, to be re-established by Louis XIV., was propagated by his successor, the high nobility, and financiers, and even by the men of literature who flattered themselves with reforming France by their examples and instructions. At the same time that they were losing the strong influence which they derived from chastity, women were spreading disorder into society by their scandalous interference with public and private affairs. This singularly contributed to the corruption of the ancient regime, and the weakness of the revolution. In 1788 it was referred to by a shrewd observer, as one of the principal obstacles to reform,⁹ and in our own day it has assumed characters still more pernicious. When the Code of Sept.

* Light literature, which is seen everywhere for the diversion of the public, has often contributed greatly to propagate the worst examples of immorality, and for this reason has been instrumental in doing much harm. Nevertheless, at the present day, it seems to comprehend its mission better, employing the arm of ridicule to correct the irregularities of youthfulness. In the journals, as well as in the theatrical romances, the fathers are not always placed in the wrong.

⁹ There is a certain influence existing, of which no plan recommended for reform has yet taken into account. I refer to the influence which woman is capable of exercising upon government. Our national manners permit these to visit alone all persons in authority, to solicit favors for their husbands, their families, and their friends: and these solicitations have proved more influential than regulations and laws. Our compatriots, accustomed to consider duty a sufficient barrier against all kinds of solicitation, will have some difficulty in forming a just idea upon this subject. It is necessary to have seen this thing with one's own eyes, to conceive properly the desperate situation to which this country has been brought by such an all-powerful influence, which in our own country is unknown — happily for the welfare of the sex itself, to say nothing of the domestic fireside. (*Jefferson's Memoirs.*)

25th, 1791, (F,) for the first time among a civilized people established the principle that seduction is neither a crime nor the violation of any contract, manners at once received a sad blow. At the same time the bad examples set by the Directory caused corruption to penetrate into classes which had hitherto remained intact. Since that period, the evil has every day invaded more profoundly the cities and country. That delicacy of sentiment, which, among the Anglo-Saxons, shields women when obliged to pass alone through the public ways, relying upon the protection of all men, is almost entirely wanting among Frenchmen. Too often it is replaced by gross impropriety, often displayed with comic effect in pictures and caricatures representing our daily manners, and excites scarcely any indignation even among respectable people.¹⁰ At Paris this evil to-day surpasses all the bounds set by other civilized people, and assumes certain characteristics unknown since the downfall of Athens and Rome; and it is so incorporated in the population, that marriages become more and more sterile, while there is one illegitimate in every three births. The spirit of equality has raised the evil in all classes above the level; while the idle subsidize an army of courtesans, the workmen renounce marriage, and, in certain classes, concubinage has in a manner become a professional business.

¹⁰ An illustrious (French) writer, who has devoted his attention to the means of reformation of the profligacy so prevalent, has remarked, with that fervor for which he is distinguished: "Why has the glorious race of St. Louis been particularly impelled by the spirit of evil to furnish such an opprobrious example? By what means shall we relieve ourselves from the state of inferiority into which we have fallen among our rivals?" We shall very soon be brought to believe that the proper means are indicated by the ancient history of France (§ 16). The same knowledge is likewise furnished by the modern history of England. It cannot, in fact, be too often repeated, that the restoration of religion to the hearts of the leading classes has introduced into the manners of that country that rapid transformation which is manifested by a comparison of the writings at the two epochs of Richardson and of Walter Scott.

§ 32.

HOW LOSS OF RESPECT FOR THE SIX USAGES OF CUSTOM
HAS BEEN DESTROYED.

The loss of respect in the three forms here referred to (§ 31), not only produces disorganization in private life, in the family, and in the place of labor, but it exercises still more serious effects upon public life, since this opposes less resistance to corruption: and it appears to me easy to demonstrate, that it saps the authority of the sovereign in a still greater degree than it does that of the father or the proprietor. Adhering to my subject, I limit myself to pointing out the connection of this decline with the abandonment of the six essential usages necessary to a good organization of labor.

Corruption in manners first produces disorganization in the sixth usage (§ 25). Among other sad consequences, it leads to sterility in families, and thus greatly contributes to lower the social condition of woman. In fact, whenever woman no longer consecrates her life to the duties of maternity, she ceases to be the minister of the domestic circle. The wife of the proprietor, especially in cities, abandons her fireside to indulge in those nomadic excursions which furnish so many amusing subjects to caricaturists of the present day. In rare instances, it identifies itself with the interests of the husband, when she appears in the character of first cashier or commissary. As to the wife and daughter of the laborer, these become operatives in the factory, a type equally unknown to the language and the ways of the seventeenth century. In this condition the wife descends from the rank which would be accorded to her in a good social constitution, and is exposed to tortures, moral and physical, which alone are sufficient to condemn this deplorable practice. The evils resulting from the abandonment of the sixth usage have, in France, been particularly aggravated

by a law of the revolutionary assemblies (F), which deprives the young female operatives of that legal protection against seduction which is accorded to them by all other civilized nations.

The condition of inferiority into which those people are plunged when respect for woman is lost, cannot be too much dwelt upon. The mischief thus effected weighs upon society at large, but more especially upon the lower classes, whom it renders incapable of satisfying that legitimate desire which prompts them to seek for promotion in the social ranks. In fact, whenever honest love has lost its attraction, and the consent of the bride always implies a financial recompense, and the marriage a dignity, young men no longer possess the energy to enable them to accomplish the sixth usage (§ 24). They make no efforts to provide for marriage by securing a home for a family; they establish themselves prematurely, and roam about all their lives among the boarding-houses. They thus deprive themselves of the moral and material advantages connected with an indissoluble union of the family and fireside.

Without a belief in God and a future state, man ceases to carry his regards beyond the present. He does not hold himself bound to engage in anything which tends prospectively to moral amelioration. A stranger to a sentiment which, with the Israelites, actuated each father of a family, he never anticipates seeing a benefactor spring up from his posterity. Desiring above all things present enjoyment, and dreading the expenses incident to fecundity, he resorts to means by which the sterility of marriage may be secured. On the other hand, the young couples who have taken no pains to secure beforehand a family home, have lost the best opportunity of acquiring habits of saving. Hence they afterwards become strangers to the sentiments and interests which operate in preserving the fourth usage (§ 23). The families of all classes, laborers, superinten-

dents, or proprietors, whose views extend no further than the present existence, give a preference to the sensual life of cities rather than the more severe experiences of the country. Few of them possess the means necessary to meet the expenses, relatively considerable, for supporting such a rural establishment as comports with their condition. Such families are therefore compelled to give a preference to city factories, and hence cannot preserve the third usage (§ 22) under its most favorable conditions, that is to say, the alliance of factory labor with the most productive domestic industries, such as those connected with agricultural labor.

The working-class, in particular, when deprived of that opportunity of saving which contributes so much to good domestic order, are often reduced to a suffering condition, even when receiving from the employer the highest wages he can afford to give. Destitution and misery soon follow, especially where the combination with other manufactories, commercial crises, and public or private reverses, have led to a stoppage of labor. Under such circumstances, the establishment of wages necessarily becomes an embarrassing subject, and the second usage (§ 21), with its beneficial results, cannot be carried out. Difficulties increase, leading to irritating discussions, depending upon the condition of the proprietor's affairs, or his avidity of gain. In this situation, the second usage is lost, little by little (§ 21), and antagonism succeeds, as an unhappy substitute for the ancient state of harmony.

Placed under these combined influences, receiving from his employer in critical times but insufficient wages, attracted by rival patrons offering the temptation of increased wages during periods of prosperity, incessantly led into opposition by the fluctuation of wages and a roaming life, the laborer has no opportunity of forming an attachment to his employer, and is consequently not in a situation to

adhere to the first usage (§ 20). But, under the law of compulsory division now existing in France, the principal obstacle comes from the proprietors themselves. In fact, ever since this regulation was instituted by the Convention (E) to destroy the traditional ideas and sentiments between the father and his sons, reciprocal engagements have only been exceptionally maintained among succeeding generations of proprietors and workmen. In most cases, a proprietor who has become rich, finds that his children, upon the strength of their right of inheritance, desire to enjoy his fortune in idleness, or spend it in debauchery (C). A father therefore, thus situated, cannot avoid, except by a premature retreat, that condition of inferiority in the presence of young and active rivals, into which weight of years must, sooner or later, place him. It is thus that a system of periodical liquidations tends incessantly to disorganize the places of labor, and destroy, to the detriment of public peace, the permanence of engagements (§ 20).

Such is the result of the alliance established in 1793, between the revolutionists and the legislators, between Robespierre and Tronchet. I have vainly sought, with the assistance of eminent historians, and during my travels in Europe during thirty years, for a nation which has subordinated to the same extent, social harmony, public peace, and the most legitimate desires of the family, to rebellion, want of foresight, and the passions of youth.

CHAPTER IV.

RETURN TO GOOD, OR REFORM.

§ 33.

RETURN TO THREE FORMS OF RESPECT, AND TO SIX USAGES OF CUSTOM.

ACCORDING to the exposition made in the preceding chapter, the evil which desolates the places of labor in France originates from successive abandonments of the precepts of the Decalogue, and usages prescribed by Custom, and is not severely felt in those establishments which continue to respect those precepts and usages. Hence, we are authorized to conclude that the remedy consists in producing a simultaneous restoration of Custom and of the Decalogue. This reform would, moreover, operate under two different regimes (§ 8), and then the principal means of action might conform to a system of constraint or to one of liberty.

In regard to Custom, different nations have, for the most part, intrusted the preservation of its usages to the careful attention of the persons whose interests are most immediately concerned. It has been found that those who for a long time followed the system of permanent engagements founded upon a regime of constraint, have gradually renounced this practice.¹ Experience would therefore seem

¹ The principal regimes of forced engagements which I studied at the period of my first travels, have since been abrogated, in the Austrian States in 1846 and 1848, in Russia since 1861.

to have left the accomplishment of this part of the regime of reform to the influences exerted by manners and opinion.

In regard to the Decalogue, France, even during her worst epochs, gave her sanction, in the Penal Code, to four of the commandments (§ 4), interdicting homicide, robbery, and false testimony. But the six remaining commandments have not received the sanction of her statutes of constraint, as they have in the United States and in Russia (§§ 8 to 65). She has not, like England, bound herself to place these commandments under the safeguard of liberty of conscience. In certain cases which I have before pointed out (§ 31), efforts have been made to alienate citizens from the precepts of the Decalogue, through the creation of institutions under the Reign of Terror, and these have been continued to the present day.

Now, people have often been found prospering where some of the usages of Custom have not been enforced through a regime of constraint; but a nation which has systematically applied itself to discrediting and interdicting the most essential usages of Custom, has always, eventually, gone to destruction.

The institutions of France cannot, however, be said to have continued entirely hostile to the six commandments inculcating reverence and respect (§ 31). The Consulate and First Empire even restored to religious favor many of the traditions of the ancient regime of constraint (§ 8), and these have generally been preserved by subsequent governments. Thus, for example, the subsidies furnished by the public treasury are distributed among the ministers of four religious orders recognized by the State; exemption from military duty has been granted to the young men of these orders who are destined to an ecclesiastical career, and, under the present regime, both law and manners assign a political part to the clergy.

We should therefore not place ourselves in opposition to

the spirit of our institutions, by conforming to the traditions of other people enjoying freedom, if we abrogated those revolutionary laws (E and F) which have inflicted a severe blow upon our rights of property, and taken from the fathers of families the power to restore to rising generations, through their own free example and religious devotion — reverence to God, and respect to the father, and to woman.

Such a return to liberty is essentially necessary for reform, and I shall endeavor, in the three following sections, to establish this conclusion.

§ 34.

HOW REVERENCE TO GOD IS TO BE RESTORED IN FRANCE.

As I have before stated (§ 32), the loss of religious belief in France was coincident with the disorganization of the places of labor. I might have further added, if my subject had required it, that this sad evolution of the French mind has been equally attended with profound disorder in the affairs of private and public life. To demonstrate the urgent necessity for a primary restoration of respect for religion, I have no need at present to establish for the second time, that the most prosperous nations to-day are those by whom this respect is maintained. Upon this point opinions are more settled than in what relates to the two following subjects connected with reform (§§ 35, 36).

At the beginning of his reign, the Emperor directed his attention to the moral decline induced by the loss of religious belief, and in his programme of Bordeaux, in 1852, he placed in the first rank, simultaneous reform in the material order of labor, and moral order restored through the influence of religion. In a letter written in 1860 to Count Persigny, then ambassador at London, he expressly reproduced this same programme. Finally, in a recent reply to

M. de Paris, the Emperor referred to the deplorable doctrines daily maintained in popular assemblages, and again insisted upon the necessity of a return to religious faith (M).

Since the year 1852, the French people have devoted themselves with excessive ardor to subjects connected with material order, but in no way have they given attention to carrying out the views of the sovereign in what relates to religious or moral order. Far from this: facts which we have under our own eyes, prove that the unfavorable condition of things in 1852 has in many respects been aggravated. It is, moreover, easy to assign the cause of this result; for the manners of a people always receive a grievous blow whenever the corrupting influences of accumulated wealth are not counteracted by profound religious sentiments, patriotic devotion, or other strong check upon the natural appetites and propensities.

For the glory of the Second Empire, it is necessary that the last part of the programme of Bordeaux should be carried out. After a long period of corruption (§ 17), it is time to return to the work, which, in the epoch of Descartes, gave to French ideas and manners their irresistible ascendancy (§ 16). The nation ought, in fine, to raise itself, by a general effort, above those passions and prejudices generated by the corruption of the monarchy and violence of the revolution. Public opinion should rouse itself from the state of hesitation which it has manifested during the last eighty years: it should positively and at once denounce evil and error, and return to the good and the true. Now, to attain these objects, three principal means are suggested by experience.

The first means of reform consists in the good example, and subsequent concurrence, of the governing class. This assuredly may not immediately exercise all its influence in the presence of remembrances left by the ancient regime of decline (§ 17), and of certain governments connected

with the present era. Under the ancient regime, in fact, the governing classes and clergy almost accomplished the destruction of religion by persecution of dissenters, and still more by disgusting the people with their depravity. Although these ancient scandals might be brought to an end, the governing class and the clergy of the Restoration have, through their imprudent examples, positively obstructed the return of religious belief. The concurrence of authority will therefore be, to a certain extent, necessary to promote the progress of opinion. The governing class should be the first to conform to the wish of the Emperor, expressed on the 1st of January, 1869 (M). They might do this better, if in private life they would conform to the precepts of the Decalogue, and, as was done in the great age, hold in honorable distinction all citizens, without sectarian distinctions, who set good examples (§ 16). Then, when the opinion of enlightened men shall at last become settled in regard to the beneficial influences exercised by religion, authority will more effectually establish the observance of reverence for God in public life, by referring to the usages of the most free and prosperous nations. Thus, for example, the written law, while continuing to prevent all direct restraint from the State (§ 69), might authorize the local authorities (§ 68) to imitate the usages of North America ; that is to say, cause respect to be paid to the commandment relative to the observation of the Sabbath (§ 4, n. 1). This extension of the powers of local governments would, in France, begin the restoration of those usages which a free people regard as indispensable. Many localities would immediately be brought into the enjoyment of the benefits derived from reforms relating to hygiene and civil life, as well as moral and religious order. The prosperity created in such localities would be a lesson to others, abandoned to religious indifference. As to localities which remain imbued with the passions and

prejudices of the ancient regime of the revolution, they might be allowed full liberty to continue their present march towards decline. Public testimonials of the return of reverence for God, would indicate the true beginning of reform; but the governing class might uselessly compromise themselves by giving these at the present day. Such measures would, in effect, be at once repelled by the tyranny of fashion, that is to say, by one of the most redoubtable forms in which the spirit of intolerance exhibits itself,² a spirit which has been encouraged among us incessantly during two centuries, and which excites the greatest aversion among our neighbors (§ 41, n. 4). At the present moment, this reform would particularly wound the feelings of that turbulent minority in the swarms of the city manufactories which casts a reproach upon the name of *Democracy* (§ 60); which, in denying God and religion, destroys, even in its original source, the influence to which it pretends to aspire (§ 8); which does not tolerate the use of the word sabbath (*dimanche*), and demands weekly days of rest, set apart solely for hygienic considerations; which establishes into a social dogma, and propagates this by libations on *Mondays* and *Tuesdays*; which, in fine, repulses with contempt the authority of the proprietor, the priest, and even of the sovereign; but which nevertheless makes itself the submissive tool of a power held in dread by all free and prosperous people—namely, the *cabaretier*³ [keeper of a drinking-house].

² *La Réforme Sociale*. The intolerance exhibited in France at the present time. Vol. III. p. 256 to 393.

³ People living in the enjoyment of freedom and prosperity, who have carried to a high degree of perfection the wholesome practices connected with liberty and equality, exert a very energetic repressive influence upon all the lower kinds of commercial business in which success depends upon the habitual abuse of spirituous liquors. In this respect the United States holds the highest rank (§ 8, n. 11). Should absolute universal suffrage hereafter secure to the keepers of grogshops (*cabaretiers*) that extensive influence which they have shown in France at the elections of 1869, we should not long delay a recognition of the

The second means of reform is by impressions daily made upon the minds of the people by eminent men, who, enjoying the affection of their co-operators, direct the labors of the places of labor in both city and country. This social medium has ever, in times of trouble and decline, been the true support of moral order. The Social Authorities have always preserved good traditions better than other classes, and, through a period of four centuries, have resisted the simultaneous outbreaks of corruption and scepticism. On the contrary, during the same time, these two plagues have on two occasions (§§ 15 and 17) pervaded with exceeding rapidity the Court, the high nobility, the high clergy, the men of literature and science, the high functionaries, and then gradually, step by step, the classes living in idleness and ignorance, in indulgence of sexual appetites, and those imbued with avarice. When, in the epoch of the Great Catharine, and of the Great Frederic, the sovereigns and men of letters made united efforts to destroy all religious beliefs (§ 31), the Social Authorities opposed a stern resistance to this aberration. In our day, the chiefs in the manufactories, standing at the head of the interests of labor, no longer hesitate to repulse those scourges of the epoch, consisting of traditions of French infidelity, novelties of German scepticism (§ 39), excesses of luxury, and profligacy of manners. They hold themselves assured, even by the practice of the social duties, that reverence to God and to religion are equally indispensable to the welfare of families and to the prosperity of those manufactories which combine the most advantages. These true representatives of the industrial arts adhere firmly to the truth, while most of the men devoted to the liberal arts continue steeped in error, along with those possessing wealth without having gained it by industry or by attention to the interests of the family.

intellectual and moral superiority of such States and communities as formally establish the civil practice of Sunday repose.

During two centuries our governments have subordinated these natural authorities to rich and idle men—to men of letters, to legislators, and to public officials. That reform, so often promised and always deferred, should consist, in part, in a simultaneous restoration of religious principles and local rights, with the concurrence of these authorities, appointed by consent of the sovereign, in proportion to the population.

The third means of effecting reform consists in the activity and devotion of certain men, clerical or lay, who, having no interests in profits derived from industrial labors, are willing to consecrate their lives to the service of God, to the happiness of their fellow-men, and to the search after truth. These should possess that sincerity and good faith always looked for in such as devote themselves to any good cause, united with the scientific training necessary for combating all kinds of error, and the eloquence which leads back all wandering minds to the ways of truth. The combination of such qualities is rarely met with. But, fortunately, the field of action, it may be said, is without limits. Twelve apostles were sufficient to establish Christianity, and seven bishops to introduce it upon our soil (§ 14): it may not require any more for its restoration.⁵

The men who may be willing to devote themselves to reform, should in the first place prepare themselves against discouragements, and to this end should view well the difficulties they may have to encounter. Ever since the Renaissance, and especially since the reign of Louis XIV., the civil and religious authorities with which France has been

⁵ *Hier et Aujourd'hui*, par Mgr. Isoard, auditeur de Rote. This eminent author has well described the character of one who might engage in the new apostolate to a society lost to all Christian faith. He justly remarks that the Apostles to the Gauls, who to a certain degree created a new race, troubled themselves very little in regard to questions which at the present day give rise to so much controversy among some French Catholics (§ 31).

burdened, have, under the pretext of opposing error, established regulations so strict, and a bureaucracy so active, that by one blow they have singularly obstructed the expression of truth. This sad regime, originating from a fondness for absolute power, and continued, more or less, from a fear of revolutions, has greatly contributed to weaken the moral force of our country, and if it had been invented at the epoch of the Roman empire, it might have put a stop to the propagandism of St. Paul, as well as the luminous expositions of St. Jerome and St. Augustine. With us, this unwise regime of constraint has often discouraged the friends of truth, while it emboldened the partisans of error. Among nearly all Frenchmen it has developed that spirit of intolerance which characterizes them at the present day, and which rapidly leads all free discussion to degenerate into civil war.

Happily, the liberty of speaking and writing has recently been restored by the Emperor,¹ in spite of the fears of the majority of the directing classes, giving us the means of destroying these sad traditions. We will soon, by making proper use of this privilege, secure to ourselves a better future. The past will not immediately cease to weigh upon us, but the corruption and error which have led us to unite, will neither be more formidable nor inveterate than those against which France triumphed in other times (§§ 14 to 16). Our epoch, notwithstanding it has been subjected to the massacres of the Reign of Terror, has a right to say that its administrations have not, upon the whole, exhibited more intolerance than those of antiquity and the Middle Ages. We therefore hope that the new Apostles of the Gauls will not prove inferior to those who preceded them, and that the pulpit, the tribune, and the press will soon

¹ The law which modified Articles 414-415 of the Penal Code, relative to coalitions (May 26th, 1864).— The law of the Press, May 11th, 1868. — The law relative to public meetings, June 6 and 10th, 1868.

successfully begin a methodical contest of truth against error.

During two centuries, the pulpit has generally shown more liberality than the tribune or the press. For this reason it offers more than the two last—the best personnel of reform. The archbishops of Paris have manifested this special duty of the pulpit in the capital, by instituting the celebrated Conferences of Notre-Dame. For some years past, eminent orators attached to these Conferences have approached the social questions of the epoch more closely than had ever been done by their predecessors, and whenever these questions were treated, success has always attended the exertion of their talents. This success has been doubled by the increased interest in the subjects, which was diffused by their publication. The days of St. Bernard, and of Albert the Great, will have been brought back again, and the *élite* of the civilized world will pour in from all parts of Europe, to listen to our great Christian orators, if these will devote themselves to those reforms which at the present time should serve to afford them inspiration, and give special attention to the refutation of objections (§§ 38 to 49) which misled minds have opposed to the three principal forms of respect. Such instruction would soon furnish a mass of information which might be rendered complete, and become rapidly established through the concurrence of other Christian pulpits, the tribune, periodical press, and books suitable for family reading. May this reparation be accomplished during the second part of the reign of Napoleon III.! May it soon give to France the intellectual and moral ascendancy which was acquired, after a similar reform, at the end of the reign of Louis XIII.!

By granting this liberty, the Emperor has opened the door to us to carry out our own plans of reform.^a Let us

^a See the Author's Preface.

hasten to redeem the time which has been lost. Our efforts will bear their fruits, even should they not be immediately attended with complete success in warding off those periodical catastrophies engendered since the revolution by indulgence of our passions and prejudices. If, which God forbid, enlightened men from all parts should, after some new trial, be called together to consult upon the means necessary to prevent the total ruin of our country, they may perhaps be brought to understand that their first duty must be to reform themselves. Under such circumstances the leading classes need not limit themselves, as they did in 1848, to putting out little moral tracts, for the use of the popular classes. They must rid themselves of their own errors, and cease from misleading society by their bad examples and lessons, as they have been doing for the last two centuries.

§ 35.

HOW TO RESTORE RESPECT TO THE FATHER.

Under all regimes, and among all races, the people of the present day have shown the greatest development of expansive power when their prosperity has been established upon paternal authority. This fact is rendered strikingly apparent under a rigid system of constraint, as, for example, among the Russian peasantry.¹ It is no less so under various forms of liberty, as in England and the Anglo-Saxon colonies of the two hemispheres.² On the contrary, the people who show a tendency to lose their ascendancy, have all committed the fault of diminishing the authority of fathers over their families.

It is here easy to perceive the immediate relation existing between the effect and its cause. Children born in the bosom of a most perfect civilization are no more inclined

¹ *La Réforme Sociale*, t. i. pp. 118, 119. ² *Ibidem*, t. i. p. 121.

than those of savage races to gain their living by labor, or to respect the Custom established in the paternal place of labor. Abandoned to their instincts, they fall directly into the situation of the degraded races (I). But when children are subjected to the discipline of education, it is otherwise. They would not show themselves inferior to their predecessors, if natural ignorance and original sin had been checked in them through influences exerted by the affection and care of parents ; or if the encouraging and repressing agencies of the latter had been received with respect and obedience. But these sentiments are in no wise natural to the infant. The spirit of rebellion begins to show itself with the first rays of intelligence, and rarely yields to the affectionate appeals of parents. It should almost always be checked by a chastisement sufficient to convey to the child an idea of its weakness.³ At all times the authority of the father, established at first by a judicious employment of affection and of force, will not remain durable, unless it is very soon founded upon the basis of fear of God and the counsels of reason. Such is the case among the prosperous people to whom I shall have occasion to refer. With these, the fourth commandment of the Decalogue imposes on children the duty of respect to parents, as necessary for welfare in this life and the future. At the same time, the privilege of last will and testament secures to the father that authority which naturally belongs to him, and which he makes use of by inculcating in his children this convic-

³ La folie est liée au cœur de l'enfant, et la verge de l'éducation l'en chassera. — "Foolishness is bound in the heart of a child, but the rod of correction shall drive it far from him." (*Prov.* xxii. 15.) Henry IV. wrote to Madame de Montglat, governess of the Dauphin, when he was six years old: "I must," he says, "scold you for not telling me that you had chastised my son, and I now command you to chastise him at all times when he shows himself obstinate, or does anything bad, well knowing, from my own experience, that nothing in the world will profit him more than that. I recognize in my own case, what profit it has been to me ; for at his age I was whipped a great deal."

tion, — that the acquisition of property is, in the present life, subordinate to the fulfilment of duty.

The prosperity of a people is attacked, even in its foundation, when the authority of the father has no longer this double guaranty. The ancient regime in decline, and our revolution, by destroying religious belief (§ 17), and abolishing the privilege of free devise (E), have inflicted an injury upon our race which no effort yet made has been sufficient to repair. In order to resume the course of its high destinies, France should at once be brought to a sense of the dangers to which it is subjected through the influences of the passions and prejudices by which it has been led astray. She should at once restore paternal authority, by giving it a double sanction, in the religious order by practising the fourth commandment; in the civil order, by restoring to the father the liberty of free disposition of his possessions by last will and testament.⁴

§ 36.

HOW RESPECT TO WOMAN SHALL BE RESTORED.

The Decalogue, in three commandments, prescribes the respect due to woman in a double capacity — of mother and wife. With prosperous people these prescriptions hold the first rank in social duties, and they have equally a double sanction, one being religious, the other civil. With the same people, observation equally shows the intimate relation subsisting between the practice of these duties and public prosperity.

⁴ Article 371 of the Civil Code thus prescribes the respect to paternal authority: "The child of any age should honor and respect his father and mother." But it must be here observed, that this prescription is merely a philosophical precept: for, as a law, it is rendered nugatory by other articles which take from the father the power of securing the influence connected with Custom in the sphere of labor founded by him, and which enable his children to dissipate his wealth in self-enjoyments.

As mother of the family, the wife contributes as much as the father to transmit to children the physical, intellectual and moral qualities of the race. It may be even truly said that, in many respects, she performs a more important part in the common management of education. This superiority is particularly striking in all that relates to instruction in the mother-tongue, as this impresses upon each race its most characteristic trait. It is equally shown by the numerous habits acquired by children at the family fireside, emanating from the affectionate devotion and matchless grace displayed by woman.

In fact, a man, as chief of the domicil, should accord to his wife and her family that position indicated by the relations which he holds to other families, to local government, to the province, and to the State. But this supremacy of man, which is everywhere sanctioned by law, is balanced by those manners which give the female sex that powerful influence they exert among all the European nations, an ascendancy which, as I have previously remarked, has reigned in our own race from time immemorial (§ 12). By the attraction of her incomparable graces, woman, in choosing her spouse, gives a recompense for the talents and virtues of the young man who aspires to marriage, and thus the sex maintains a kind of sovereignty exerted in the choice and regulation of the social position of heads of families.

But the influence exercised by woman as mother and as betrothed, is really effectual only in those races which hold chastity in honor (§ 25). Prosperous people apply themselves with special care to the preservation of that virtue, and to effect this they call in the aid of two principal means:—they engrave upon their hearts the moral law expressed in the seventh and tenth commandments, and give it the sanction of a civil law which makes seduction a crime, and attaches responsibility for it exclusively to man.

France, after having reacted against the corruption of

the last Valois (§ 15), raised herself to prosperity and to the moral grandeur exhibited in the seventeenth century, by returning to the practice of these principles. Since then, their abandonment has marched in front with the progress to decline of the ancient regime. Louis XIV., the Regent, and Louis XV., whilst engaged in corrupting the directing classes, *nominally* preserved these principles. By the revolution they were *formally* abolished (F), and evil was propagated in all classes of society. To-day, the prevailing notion of the new regime, namely, the levelling of all conditions (§ 59), only shows one very conspicuous result—equality in vice. Chastity is scarcely less frequent among the poor who earn their living by daily labor, than among the rich who live in perpetual idleness.¹ Strangers who, in the time of Louis XIII., adopted France as a model (§ 16), now speak of it as a centre of contagion. They equally discard the lessons of her literature and the profligacy of her manners. They particularly condemn, in most bitter terms, the disorganization of the family fire-side, the exile of children sent away to boarding-places, and that precocious corruption which results from it, habitual mercenary marriages, and the ascendancy of courtesans. This decline in manners has been aggravated since the epoch of the programme of Bordeaux (M). It cannot be perpetuated without compromising everything estimable, even that material prosperity which, at the present day, has monopolized nearly all the talent of the country.

Fortunately, the remedy is clearly pointed out by the condition of our manners during good epochs, and by existing usages among the most prosperous peoples of other nations. It will especially be found by us when we shall submit to the moral restraint imposed by the sixth and ninth commandments, and sanction these by civil laws to repress seduction.

¹ Monographie du Tailleur d'habits de Paris. (*Les Ouvriers des Deux Mondes*, t. ii. pp. 145-192.)

§ 37.

TO RECAPITULATE; REFORM SHOULD, ABOVE ALL OTHER THINGS, RESTORE RELIGION, RE-ESTABLISH LIBERTY OF TESTAMENT, AND SUPPRESS SEDUCTION.

To sum up, France should at the present day effect three essential reformations, the necessity of which is demonstrated by the alternate changes from good to evil which have taken place during the four last epochs of our history (§§ 14 to 17).

After the Gallo-Roman decline (§ 13), France enjoyed two grand epochs of prosperity: the first, built up gradually from the fifth to the thirteenth century (§ 14); the second, brought about rapidly during the first part of the seventeenth century, under the reigns of the two first Bourbons (§ 16). But periods of decline have returned on two occasions: the first, in the sixteenth century in consequence of religious wars (§ 15); the second, in the eighteenth century, with the absolute monarchy and the revolution (§ 17).

From the fourteenth to the sixteenth century, evil came in especially from the influence and example of the clergy and the governing class. In the mass of the nation the Decalogue still maintained its empire over minds, while Custom continued to preserve moral and material order. But, deprived of their traditional rights by monarchical invasions, they made an unsuccessful attempt to establish moral order through civil war, the end of which was the destruction of material prosperity (§ 15). The reform of the seventeenth century was the work of two absolute sovereigns who possessed only a part of the qualities indispensable to their position, but who both knew how to supplement their deficiencies by calling to their assistance the greatest men of their times (§ 16).

Unfortunately, the good which had been produced under

absolute monarchy—thanks to the judicious minds of Henry IV. and of Louis XIII. —was subsequently destroyed through the incapacity and vice of their successors (§ 17). Since the time of Louis XIV., evil has been brought back with many different characteristics from those it assumed in the sixteenth century. The Decalogue has lost its authority over the heads of society, and good old Custom is almost everywhere abandoned, insomuch that corruption spreads more and more in all classes of the nation. It has, in fact, reconquered by the revolution the control of the social powers; but in casting off its ancient manners, it has lost the faculty of using others advantageously. It has been able to prevent the recurrence of those shameful scandals which were openly exhibited by the governing classes in the ancient regime of decline. It has even brought back its clergy to the virtues of the ninth century (§ 14), by subjecting them to the persecutions of the Reign of Terror, and afterwards to incessant sceptical criticisms. But, on the other hand, the most numerous class, that which had remained intact under the preceding regimes, has become corrupted in its turn by two principal influences, namely, the bad examples set by the leading class, and the corruption created through the examples and influences of depraved sovereigns.¹

¹ Those nations which have recourse to an electoral polity for the frequent renewal of the public authorities, always bring to the attention of their electors the vices of pride and venality, that is to say, the most common vices in other kinds of government. These errors, so little observed in small communities where the Social Authorities have influence, assume the most formidable proportions in great nations. They increase the more as the right of suffrage is extended to classes the least moral and most needy. It is followed by the same consequences which are attendant upon the abuses of other powers. The corruption of authority is as certainly engendered through the baseness exhibited by a candidate who offers a bribe to the voter, as by the courtier who solicits through bribery the favor of a corrupt sovereign. In less than a century, this evil has assumed such grand proportions in the United States, that it seems to call for a prompt remedy (§ 60). In a shorter period, it has already exerted a great influence in France. In 1869,

Many of the most dangerous vices of our times spring less from depravity in manners than from the fallacies and errors of ill-regulated minds. Innumerable errors have been propagated during the last two centuries. Among the most formidable of these, and standing in the first rank, are those which systematically destroy the three principal forms of respect (§ 31). It is for this reason that reform should have as its starting-point a restoration of those truths which demand the return to religion, the re-establishment of testamentary liberty, and the repression of seduction.

certain electoral bodies, in their exhibitions of tyranny and cynicism, evidently surpassed most of the bad kings. But the corruption exhibited by electors or kings no more serves to condemn certain good forms of government than the corruption of the clergy condemns true religion. These considerations come to sustain two conclusions presented in this work: namely, that nations can prosper only by showing submission to the Decalogue; that institutions should have as a primary object the expulsion of corruption from the governing classes, those especially who combine unlimited authority with the least personal responsibility. The electors who exercise their right of suffrage by ballot are particularly subject to this condition.

A nation which has not created a stable regime, connected with royalty and an electoral system founded upon the qualifications of property and intelligence, will be exposed to great mistakes if it associates all its citizens in its sovereignty, without having previously established among them the reign of virtue. The people might, in fact, control a king or a corrupt aristocracy by the exercise of its united power. But what is there afterwards to control the people in their united capacity, when thrown into disorder by venality and the abuse of the right of suffrage?

CHAPTER V.

OBJECTIONS AND ANSWERS.

§ 38.

REPLY TO OBJECTIONS CONCERNING RELIGION.

DURING thirty years devoted to travelling and study, I have never heard a Russian, an Englishman,¹ or a North American, raise an objection against the observance of religion. Notwithstanding the diversity of their social constitutions, these three rival nations do themselves equal honor by encouraging religion as much as possible, through their institutions and habits.

It is very different with Frenchmen, a great portion of whom believe that human societies may prosper without any public respect for religion and without the support derived from prayer. Some even go so far as to deny the existence of a God. For the first time since the establishment of Christianity, these doctrines were openly and loudly proclaimed in the Reign of Terror. Since then there has appeared in some institutions a partial return to truth. But many errors still remain, and tend more and more to annihilate all reverence for God in private as well as in public life.

¹ In the literature of Great Britain, there has just reappeared some symptoms of that scepticism which had disappeared since the time of George III. But this evolution is altogether new, and has not yet taken root in that country. It however affords another evidence of the operation of the historical law (§ 10), that in great nations, alternations of vice and virtue succeed each other periodically.

All who comprehend the urgent necessity of moral reform should combat errors which are condemned by the customs and opinions of prosperous nations. These errors affect all the elements of social life. They consequently give rise to very numerous and complex questions. I have treated these questions in detail in a previous work,² and shall apply myself unceasingly, as far as I am able, to the refutation of a portion of the most predominant of them. I cannot, however, in this chapter, enter into a complete refutation of all, but shall limit myself in this summary to objections to religion made by three classes of persons, — those who, in the name of science, deny the existence of God; those who fear, above all things, the corruption of the clergy; those who have a special dread of the supremacy of Catholicism and Popery.³

§ 39.

THE IDEA OF GOD REFUTED BY SCIENCE.

The attacks which are now made against religion vary greatly, in their principle and modes of action, from those which were made in times past.

Under the last of the Valois (§ 15), as under the Bourbons in decline (§ 17), the sceptics who were distinguished by their talents, proposed as their principal aim, to make themselves useful to the cause of humanity, and in their opinion, their doctrine was entitled to claim an eminently social character. Like those who maintained religious views, they regarded truth as the source of all good; but in seeing the evils brought on by the abuses of religion,

² *La Réforme Sociale*, ch. i. § 15.

³ In this *exposé*, I omit those considerations which, in these latter times, have been presented with such great ability by eminent clergymen, especially in the eloquent work by R. P. Félix, entitled, *Les Progrès par le Christianisme*, Paris, 1868.

they considered themselves right in concluding that religion itself must be regarded as an error.

At the first epoch, for example (§ 15), (the period from 1270 to 1539, or the corrupt age of the clergy and monarchy under the last of the Valois,) the religious dissensions provoked by a corrupt clergy had brought our country to the last degree of suffering. Religion, which, during the previous epoch (the period from 496 to 1270, under the Feudal institutions), operated as a bond of union among men, now became the principal means of dividing them. Religious discords furnished new elements for civil dissensions, and everywhere gave rise to assassinations, war, pillage and massacres. Devastated by violence, degraded by hate, France, at the time of the assassination of the last of the Valois (1589), had lost all the elements of material prosperity, and all sense of morality.

Many influential men were led to teach that it would be useful to expel from the heart all kinds of faith which furnished the causes or pretexts for such calamities. Montaigne and Charron (§ 15) made themselves the interpreters of this sentiment, and propagated it in the breasts of the higher or leading classes. But when the genius of Henry IV. (1598) and that of Richelieu (1629) succeeded in re-establishing good manners among the clergy, and religious peace in the nation, the propagators of this form of social scepticism found themselves deprived of their vocations.¹ Religious sentiments regained possession of that empire, which belonged to them, and there soon shone out that grand epoch of Vincent de Paul, Condé, and Descartes. (Period from 1589 to 1601, comprising the prosperous reigns of the two first Bourbons.)

¹ "It is under the influence of mental aberration, aided by a sort of moral violence inflicted upon their own nature, that men are impelled to withhold themselves from religious belief. An irresistible inclination will bring them back to it. Incredulity is an accident, and faith alone the permanent state of humanity." (A. de Tocqueville, *De la Démocratie en Amérique*, t. i. p. 359.)

In bringing back, by the force of his example and tyranny, a corruption more dangerous than that of the Valois, Louis XIV. provoked a return of similar disturbances. At this time anti-religious propagandism assumed the most formidable proportions under two principal standards. Voltaire admitted the existence of a God, but he little comprehended the aid afforded by this principle to the prosperous classes in securing the establishment of good social order. He often preached, and almost always practised, the loosest morality. His main object was to attack religion with shafts of ridicule.

J. J. Rousseau entertained a higher idea of God, and had a better comprehension of religion. But his error in regard to original human perfection contributed even more than the raillery of Voltaire to destroy true religion, and disorganize society. He admitted, in fact, that man comes into the world possessed of all the faculties necessary to instruct himself in the duties of morality, and, if there be need, in those of religion. This error, which is refuted by all the facts developed in the education of infants and young persons, was nevertheless adopted by multitudes of the most intelligent people.

Jefferson² tried in vain to propagate this doctrine in the United States, a social medium protected by Christianity

² "It is a loss of time for a young man to study lessons upon this subject (morality). Man was destined to live in society, and it necessarily follows that his morality must conform to this end. — The moral sense comes to a man just as his arms and legs do." (*Political Essays. Advice to a Young Man*, Vol. I. p. 298.) As to religion, Jefferson admits, with J. J. Rousseau, that a young man need not occupy himself with it, being of himself able to direct his course by the lights of his own judgment. Now, it is a less offence against reason and experience to believe that any young man may spontaneously attain a knowledge of those physical sciences and mechanical arts which can only be acquired through the exertion of intelligence and skill. For, the young man, on arriving at the age of reason, would have no interest in repelling such knowledge, while under the influences exerted by his passions and pride, he would be led to revolt against the laws of morality and religion.

and by frugality (§ 8). The germs of the seed sown by this great but misled man, develop themselves at the present day in many of the cities of his native country, which have become rich by prosperous commerce. In Europe, the directing classes, in their courts and cities, formed a medium always at hand and fully prepared to receive the doctrines taught by Voltaire and Rousseau. These supplied the personnel of that revolution which in two years ended in the Reign of Terror.

This second eruption of social scepticism will subside when the sovereigns and the people are brought to a full comprehension of the evils which it has let loose, especially when the reform of the clergy and the restoration of religious liberty shall begin to produce their usual fruits. It would have come to an end long since, if the enlightened men of our epoch, taking example from their ancestors of the seventeenth century, had rallied in support of a common principle of truth. Unfortunately, such a result has been retarded by the passions and errors issuing from the revolution (§§ 50 to 61). At this moment it seems to be kept back more than ever by a doctrine which chiefly comes from Germany, and which may be termed scientific scepticism, or naturalism.³

Scientific scepticism does not take its starting-point from the social disorders emanating from persons who abuse religion, but solely from observation of the physical world. The physical sciences, say these new teachers,⁴

³ A variety of this doctrine, which goes under the name of *Nihilism*, is very extensively spread among the literary classes of Russia. It seems that this must soon occasion great trouble in a government identified with a religious faith (Greek Catholicism), the doctrines of which are more rigid than enlightened.

⁴ This *précis* of scientific scepticism appears to me a faithful summary of the lectures and dissertations to which I have long given my attention. I request, in advance, that the respectable authors of the doctrine will pardon me, if, contrary to my intention, I have misrepresented their ideas. I will in such case make it my duty to acknowledge my error in a subsequent edition. I shall add to this *précis* a statement

assign to man no exceptional place in nature: for he is confounded by insensible transitions with the other animals,⁵ and there is no indication that he has a destiny exclusively for himself.⁶ The welfare or the unhappiness of human societies are in no way connected with the practice or omission of religion. Men, with all other organized existences, are but the necessary consequences of laws governing the material world. True science has, therefore, no need to occupy itself either with religion or morals, nor anything

of considerable length, approved by one of their principal representative authors, and especially by MM. Baumgärtner, Büchner, Burmeister, Cotta, Czolbe, Feuerbach, Giebel, Huschke, Læwenthal, Lotze, Molleschott, Müller, Orges, Rossmæssler, Strauss, C. Vogt, R. Wagner, Zimmermann, etc. To prevent any chance of doing injustice in treating this subject, I had at first simply undertaken to refer to the printed texts of these authors. But I soon found, that, in spite of the impartiality by which I was governed in my choice, partial quotations, when thus grouped, assumed the character of a diatribe. I was thus brought to the conclusion that an author who attempts to refute errors of so much gravity has but one alternative left to him, to analyze upon his own responsibility the texts which he contests, or to recite them in full. By adopting this last plan, I should evidently have been carried beyond the limits of the work, hence my decision to confine myself to the first plan. I moreover request the reader to refer to the texts of the authors above referred to. Those unacquainted with the German language, may consult a French translation of a work in which these authors are frequently referred to, entitled, *Force et Matière, ou Etudes populaires d'histoire et de philosophie naturelles*, par Louis Büchner. Paris. 1 vol. Oct., 1865.

⁵ "The best authorities in physiology nearly all admit that the mind of beasts in no wise differs in quality, but only in quantity." (BÜCHNER.)

⁶ This affirmation seems so evident to the author that he has not thought it necessary to take the trouble to call the reader's attention to it at the beginning of his book. I have vainly sought for any mention of a moral order in a work which treats of the destiny of human beings, of the soul, of God, and of future life. In revising his work, the author, in concluding, has merely presented this theory:

"Let us be permitted, in the last place, to withdraw all question of morality and utility. The only point of view which directs us in this examination is that of truth. Nature exists neither for religion, nor for morality, nor for man. It exists only for itself. What else can we do but take her as she is? . . . The empirical study of nature has no other object than the search after truth, whether this, according to human ideas, is consoling or not, whether it be æsthetic or not, whether it be conformable to reason or contrary to reason, necessary or miraculous." (BÜCHNER.)

useful to the human species. Matter and the forces which proceed from it furnish the only realities which can be seen and touched. They are also the only things of which the lover of truth is bound to take account. Religion, and the morality which it teaches, can never gain any support from material facts. They are consequently nothing more than falsehood, illusion, or vanity;⁷ and as to a hereafter, there is no need to think of such a thing. The man of science should therefore take the place of the priest in all matters pertaining to the direction of societies. Strengthened by discoveries which have illustrated our time, he should, in fact, take a higher position than was yielded to the philosophers of antiquity.⁸ To sum up:—Science, that sovereign light of modern nations, is authorized to deny God and religion. This conclusion is, moreover, justified by observation of celebrated nations, which become less religious as they become more intelligent. Efforts made to restore religion would, therefore, directly tend to reduce the real good of societies.

I oppose to this doctrine the following answers.

They violate the most evident rules of methodical observation who decide, and still more those who, in the name of the physical sciences, deny the existence of phenomena which belong exclusively to the domain of social science. They propose to submit humanity to the authority of sciences entirely secondary in importance, and which for this object have only been brought into existence in our own

⁷ "The scholastic philosophy of the present day, filled with vanity and presumption, thinks it has buried the ideas included under the denomination of materialism. But that philosophy declines from day to day in public esteem, in consequence of the steady progress made by the empirical sciences. Now these sciences demonstrate upon evidence. . . ." (BÜCHNER, *Preface*, p. 6.)

⁸ Similar doctrines have been taught in all ages, and even partially by the ancient Greek and Hindoo philosophers. But they wanted sufficient bases, and it is only the progress of the natural sciences which have furnished these bases. (BÜCHNER.)

day. They, on the contrary, deny to man the possession of those moral and religious sentiments which furnish the basis of that science *par excellence*,⁹ which, since the first ages of humanity, has occupied the greatest minds, and by gradual progression created the social medium from which the physical sciences have at last been developed. This contempt for social science is alike condemned by history and reason, as well as by the best authorities in the physical sciences.

Social science is in part founded upon the evidences derived from facts connected with the surface of our planet of more or less importance, and in this point of view alone, it occupies by far the highest position among the sciences founded upon observation; in fact, the physical sciences are entirely dependent upon it (n. 9). Men of the highest eminence, who have devoted their best energies in studying and systematizing the facts connected with chemistry, physics, astronomy, and the natural sciences, have thought they were not qualified to intermeddle with the affairs of religion and the interests of morality. This error has seldom been committed except by persons who, having reflected but little on the phenomena of social science, or having confined their attention to some details of the physical sciences, have not exactly comprehended the method proper to the investigation of the latter, nor the limits beyond which these should not pass. "The phenomena of the two groups of the sciences are now, as in all history, totally distinct

⁹ Scientific scepticism is inspired by human pride in revolt against divine authority. Nevertheless, as will be stated in a succeeding note (n. 11), it tends, even in its principle, to recognize in man only the qualities of the brute, and has consequently taken, as its ideal, the savage and degraded races. All thinkers who have recognized in submission to God the natural state of man, have, on the contrary, been led to conceive a high idea of the dignity of man. Thus M. de Bonald has said: "What are all other sciences in comparison with the science of society? And what is the universe itself, if it be compared to man?" (*Théorie du Pouvoir*, Paris, 1796.)

from each other. After millions of centuries, during which the earth has only been submitted to phenomena of the physical order, religion and moral order have made their appearance along with the first man of whom tradition has preserved the memory. Since then, religious and moral phenomena have continued to develop themselves with the human species, and they have dominated more and more over subjects strictly physical. With the assistance afforded by his intellectual and moral powers, man commands in that domain where the inferior animals are held submissive to the natural forces.

In all times, under all climates, with all races, religion has been found as essential to human societies, as nutrition (absent from minerals) is essential to organized bodies. To exclude God and religion from the social world, because they are not apparent in the physical world, is a doctrine as unreasonable as would be that of excluding nutrition from the organic kingdom because it was not found in the inorganic. The teachers of scientific scepticism commit a monstrous crime against method, and a sacrilegious mutilation of truth, when they pretend to exclude from the science of man (n. 6) the admirable phenomena of religion, morality, and reason.

On the other hand it is false to affirm that religion is extinguished as societies attain their greatest perfection. This error, incessantly brought forward since the eighteenth century by all classes of sceptics, is refuted by the lessons of history as well as by those of the present day.¹⁰ Certain

¹⁰ M. de Tocqueville informs us, that in 1832, the Americans of the United States considered the preservation of civil and political liberty as subordinate to religious belief. This conviction is not so strong in the crowded cities corrupted by riches; but it still dominates throughout the rest of the country. "All the American States, they say, form a solidarity. Should the Western republics fall into anarchy or be subjected to the yoke of despotism, those republican institutions which flourish on the shores of the Atlantic might be in great peril. We are therefore interested in having the new States established on a religious

people, it is true, have shown a neglect of religion, and at the same time maintained a certain celebrity in the arts and sciences, and France in particular has on two occasions (§§ 15–17) afforded examples of this condition of things. But this apparent prosperity did not long remain an illusion; its falsehood was soon manifested by the ordinary symptoms of decline. Prosperous nations which offer better criteria of the existence of good than the most celebrated nations (§ 7), occupy as savans very different positions. But they are always the most religious, and we have therefore good reason to conclude that it is religion, and not science, which creates their prosperity.

In order to proceed scientifically in their contest against God and religion, the sceptics should be able to produce one main fact in support of their thesis. They should show us at least one race of men, who, without knowing the duty of paying adoration to God, excelled the other races in the culture of those sciences which have been pointed out as the only sources of truth. And, as no such fact has yet been spontaneously presented by any race of people, they should imitate certain contemporary reformers, that is to say, plant a colony with such subjects as they might choose to select, which by its success might bear witness to the fecundity of scepticism.

basis, in order that we may be permitted to retain our own freedom. . . . It is despotism, says M. de Tocqueville, which might dispense with religious faith, but not liberty. Religion is far more necessary to a republic by which it is recognized than in a monarchy in which it is attacked, and in a democratic government more than all others. How could society fail to perish, if, when the political band was relaxed, the moral cord was not ready to bind it; and what would become of a nation, master of itself, if it was not submissive to God? At the same time that the law permits the American people to do what they please, religion prevents them from conceiving any thing, and forbids it from daring to do that which is not right." (*La Démocratie en Amérique.*) We can appreciate the wisdom of these ancient opinions of the American people, by seeing what can be done to-day in the Paris reunions, and Swiss and Belgian assemblies, by men who have no attachment to religious belief, and view it only with hatred and contempt.

Until such a society shall have been formed, we will claim the right, in the name of science, to absolutely condemn such doctrines as deny the existence of God and necessity of religion.

Indeed, some partisans of scientific scepticism pretend that this experiment has been made, and endeavor to prove that races exist in Africa completely destitute of any knowledge of a God. The alleged facts, if subjected to a methodical process, would offer no sufficient guaranty for scientific observation. But to prove that they would possess no value, it is in no wise necessary to resort to profound investigation; it is sufficient to establish that in the attempt to sustain these allegations nothing but a list of degraded races has been produced.¹¹

Is this then the ideal which naturalism fatally strives to attain by the principle and the method which it has adopted? Does the new German school pretend to offer to us as models the Caloches and Hottentots, while waiting for the discovery of some other race, which, having renounced all religion, even that of fetichism, would be still further from God, and nearer to the brute? I do not know how doctors, who see in the use of reason and human happiness only incidents foreign to the search after truth, should have the courage to arrive even to that conclusion from their system. But I doubt whether this doctrine, expressed without hesitation, will ever obtain that success which the social scepticism of the French was able to acquire.

In conclusion, the partisans of naturalism, in making this injudicious incursion into the domain of social science,

¹¹ M. L. Büchner cites, in support of his assertions,—the Indians of Oregon, the Caloches (tribe of Indians), the Tuscs (a Mongolian race), the Corrados (Brazil), the Becuanas (Southern Africa), the Caffres, Hottentots, Boschmans, the Schinuk Indians, natives of Kingsmill, the Indians of New Grenada, the Karens (of Pegou), some of the Indians of Sumatra, negroes of Onoucouyama (Southern Africa), and the Oceanicans of the Feejee Islands. (*Force et Matière*, pp. 190 to 193.)

have by no means succeeded in demonstrating their theories. Far from this, they have themselves furnished the arguments which have served best to refute them. Those sceptics who attempt to destroy universal tradition by the method of observation or empiricism, will find few converts among civilized people, so long as they can only quote savages as their examples. Besides, so long as they only show themselves in societies imbued with their own settled opinions, it affords reason to believe that they derive those qualities of which they are so proud, not from the possession of science itself, but from that atmosphere of scepticism in which they have been nourished. They may be justly compared to those parasites of the vegetable kingdom which draw the materials necessary to form their flowers and fruits, not from the source of all fruitfulness—the soil, but from the plants to which they are attached.

§ 40.

SECOND OBJECTION:—THE ADVANTAGES OF RELIGION ARE ANNULLED BY ITS INCONSISTENCIES, AND BY CLERICAL CORRUPTION.

According to the second objection, religions would seldom be maintained except through the instrumentality of a clergy, and these exercise a high degree of authority over the minds of communities. Although the clergy may possess all the virtues appropriate to their profession, though they may, in fulfilling their mission, devote themselves exclusively to the welfare of their flocks, they may not always manifest proper discretion. In this case they may be instigated by an excess of zeal to abuse the authority conferred upon them, and, instead of serving the family and the State, domineer over them. When they have finally succeeded in gaining the recognition of people of elevated rank in the social economy, they throw themselves head-

long upon the rock, against which, sooner or later, the rich and powerful must be driven to destruction: they participate in the general disorder and assist in propagating depravity. The people should therefore in future suppress the clerical profession, so that the laity may be enabled to exercise their legitimate influence. And, in thus forthwith renouncing the useful influence which may be exercised by a clergy worthy of its mission, they would ward off evils which, sooner or later, might be introduced by a corrupt clergy.

I reply to this objection by stating, that the clergy are no more corruptible than other classes equally necessary to society; and I further add, that no civilized people, up to the present day, has been able to dispense with their services.

The eventual chances of corruption and abuse of authority are not confined to the clergy. They develop themselves still more readily among the higher classes, and especially in the governing class. It is from the latter that evil most commonly originates; it is from them that those disorders proceed which compromise a state of traditional prosperity. But, on the other hand, the people are never elevated to a high degree of power except when under the direction of a good government. Those who would deprive themselves of the present benefits derived from this, by anticipating evils which might result from it hereafter, will condemn themselves to perpetual inferiority. It is not alone sufficient to inquire whether a clergy may some day corrupt itself. It is equally necessary to ask whether, when it possesses its appropriate virtues, the profession offers a means indispensable to produce perfection. Now, this last question is answered affirmatively by history, as well as by the present state of society.

Many Christian sects, in imitation of the patriarchs of the Bible, have attempted to preserve moral order by a voluntary priesthood derived from the heads of families.

The members of the Society of Friends¹ have, during two centuries, solved this problem with a devotion and success which cannot be sufficiently admired. They have, in fact, succeeded in preserving themselves from that corruption which has, during the same period, been propagated elsewhere by some of the clergy. But in the midst of this success, the Friends themselves are not insensible to the modest part they perform in the presence of other religious denominations. Notwithstanding all their efforts, they have remained among Christians in an exceptional state. The Friends are represented in France and other parts of the European continent by only a limited number of families. In England and the United States, where they are most numerous, they form, in some localities, scarcely a one-hundredth proportion of the population. They understand very well that they have no reason to expect a greater development. They highly appreciate the efforts made by many clergymen of other Christian denominations, and do not flatter themselves with being able to displace them; they exert themselves solely to practise the precepts laid down in the Decalogue better than most other religious communions. As the sceptic savans can only gain a certain degree of renown when in the midst of associates imbued with their own doctrines (§ 39), the Friends have never flourished in the midst of zealous Christians under direction of a clergy.

The clergy are not, therefore, less necessary to the prosperity of nations than religion itself. When an organization has been found which wards off, as much as possible, the chances of corruption, the intervention of a clergy will offer immense advantages. Among other solutions of this problem, I have elsewhere pointed out admirable examples

¹ Friends (*Société des Amis*) commonly called *Quakers*. See the description of this society in the third edition of *Social Reform*, Vol. I. p. 131.

presented in our own days by the Catholic clergy, especially those residing in States where they are in the presence of other religious denominations.² I repeat, that ere long they are destined to exercise a preponderant influence in America, in one of the model States of our times (§ 70).

§ 41.

THIRD OBJECTION : — CATHOLICISM HAS BECOME INCOMPATIBLE WITH THE LIBERTY OF THE PEOPLE, AND THE BEST ASPIRATIONS OF THE MODERN MIND.

According to this third objection, the disadvantages which may result from religious usages in consequence of the intervention of a clergy, are particularly felt in the Catholic Church. By returning to religious faith, France would really effect nothing more than the restoration of a very usurping power. It would again subject itself to the commission of the impious and wicked acts which were committed in the Middle Ages by the ecclesiastical hierarchy and papacy, against the liberties of individuals and the authority of sovereigns. It would at the same time extinguish those ideas which animate the most prosperous people of our epoch, and consequently impel them forward on that road to decline, which has been pursued by many Catholic countries that formerly played important parts in the civilized world, and ended in loss of power, if not total ruin. In its relations with Catholicism, the State should always keep such dangers in view, and regulate its affairs by these two principles: strict vigilance to recognize and measures to ward off the evil influences exerted by the Pope and of the clergy, and prevent them from exerting any united action to check the diffusion of the best aspirations of the spirit of modern times.

I reply to this objection by observing that it presents, in

² *La Réforme Sociale*, third edition, p. 112.

the first place, in a remarkable degree, the characteristics of an anachronism.

The dangers with which Western Europe is threatened at the present day are evidently the extension of the doctrines taught in the various schools of scepticism; the innumerable divisions of Christian communions, and the loss of respect for both civil and religious authority. When prejudiced persons undertake to carry on incessant warfare against the excesses of faith, usurpations of Catholicism, and the moral ascendancy of popery, they are led to pursue an entirely false route. To speak the truth, those imbued with such prejudices may be induced to think that the changes which have been made during the last four centuries have never yet arrived.

Our governing class will certainly compromise the political interests of the country, should they persist in carrying on that inexorable strife which has existed for a long time between the State and the Church. They will renew the error which they committed by too long continuance of the traditional hostility of the Bourbon dynasty against the house of Austria. They will fall into the error committed by the English, who, sustaining themselves upon their old souvenirs and abandoning themselves to the quiet security afforded by their insular position, view with secret satisfaction the intestine dissensions and rivalries which take place among their neighbors on the Continent. Material decline produced by antagonisms existing in the Western States of the European Continent, is, however, not less dangerous to England herself, than that moral decay which results from a new depression in religious sentiments. It is, in fact, very evident that such a decline would exercise a detrimental effect upon general prosperity, by strengthening that formidable alliance which already dominates over the northern portions of the two worlds, through the united powers of Russia and the United States.

These considerations are rendered more striking by taking into view the pitiful contests still prevailing among us in regard to the relations maintained by the State, with the clergy and the papacy. In presence of the dangers to which France is exposed from within as well as from without, she should lay aside the traditions of another age, and disengage herself from these petty complications. She could not do this better than by taking the example set by Prussia,¹ England,² and the United States, in which parties maintaining very different positions, nevertheless converge more and more towards a similar policy. As a principle,

¹ The Prussian government committed at first a great mistake by adopting, in a tricky manner, the concordat of 1821, which guaranteed religious freedom to the Rhenish provinces detached from France in 1815. This had led to no other result than that of preserving among their populations those regrets caused by this separation. But since that time she has repaired her mistake and soothed the sorrows which this had occasioned. She has even created sympathies which may be usefully applied in execution of secular projects, by leaving them a safeguard for all their rights, and a grant of perfect religious liberty to Catholics of the Rhine. These are now greatly pleased with the freedom given to them by Prussia. But they would have more reason to count upon the duration of this regime, if France would show greater attention to the adoption of some measures calculated to restore her religious faith. Such an extension of religious freedom would contribute greatly to the increase and security of the German Catholics. It would increase the prestige of France much more than brilliant achievements apparently inspired by political interests rather than a real devotion to Catholicism.

² England has many laws which act as restraints upon Roman Catholics. But these have been gradually reduced since 1828. She has suffered those which still exist to fall into disuse from having no distinct bureaucracy to put them in force. Thus, in regard to the bull of 1851, by which the Pope appointed Catholic bishops in England, the mandate has been carried into complete execution. The Catholic hierarchy, nevertheless, exists in England in violation of an ancient law of that kingdom, and a special law enacted by parliament immediately after the promulgation of the bull. A similar remark may be applied to laws which prohibit the Jesuits from residing in England. The new liberal spirit which prevails with the English, shows itself still more conspicuously in a law passed on the 31st day of May, 1869, in the House of Commons, by a majority of 311 out of 508 voters. By the conditions of this law, the Catholic Church in Ireland is placed upon a similar footing of equality with the established churches of England and Scotland, and the Protestant religious dissenters.

our rivals firmly reserve the right of resorting to such repressive measures as may be demanded in exigencies threatening the security of the State, in consequence of any objectionable measures put forward by the Papacy. In practice, they leave to the Pope, his clergy and parochial ministers (§ 67), full liberty to use, upon their own personal responsibility, all proper means to maintain among populations the observances of the moral law.

They also think they possess, in the presence of a variety of religious persuasions, a sufficient guaranty against any abuse which might be introduced by particular tenets held by Roman Catholics. All our governments might have saved themselves much trouble had they adopted the happy idea of following such examples. By showing themselves hereafter better advised, they will render great service to religious communities. In addition to simplifying their tasks, they will acquire a popularity which they have vainly sought from a multitude of disjointed interminglings. For religion, as for other duties of private life (§ 67), the governing classes have an easy means by which their influence may be restored. Where their special mission is not implicated, they should abstain from all interference, and above all things leave religious communities the power to manage their own affairs according to their own interests. As things exist at present, a government is not able to give entire satisfaction to all these interests. But it should manifest a disposition to offend these as little as possible; and it may attain this end by giving to those possessing religious sentiments that freedom which is guaranteed by the constitution to all associations formed for the good of the public.

The persons who are concerned in the second part of this objection appear to believe that, according to the views of the Catholics themselves, the Church could not exist without the honors and privileges granted by the

State to ministers of their religion, or without the rigorous interposition of the secular arm against dissenters. This opinion furnishes evidence of the incompatibility existing between Catholicism and the modern mind; for the almost universal practice of Europeans refuses to allow the civil power the means of applying forcible restraint upon citizens who do not conform to the regulations of a religion declared to be orthodox.³ In France, where public opinion voluntarily sacrifices itself to the omnipotent authority of the State over the rights of the individual, the family, and private associations, some Catholics have been found to support this false interpretation, and in doing so they have been instigated, not by the Catholic doctrine, but by error, and that spirit of intolerance inculcated to our race by Louis XIV. and the Reign of Terror.⁴

³ To speak truly, Russia is now the only country where force is employed to regulate the practice of religion. The Roman State has, in fact, for a long time renounced this measure. In his discourse delivered at the Congress of Molines, the R. P. Félix has given a good summary exposition of the three phases in the life of the Church, in these words: *Persecution, Protection, Liberty*. The present phase is not inferior to others existing in the Catholic dioceses of the Protestant countries of Europe, the United States, and Canada (§ 70), being founded upon constraint (§ 8), but completely established in the hearts of the people.

⁴ Frenchmen who have not visited foreign countries are generally ignorant of the bad impressions made by these two deplorable governments, which have tended so much to lower France in the estimation of Europeans. The bishop of the diocese of Mayence, who in 1815 was separated from the French Empire, made in the following words a comparison of the relative situations of citizens of Germany and of France: "Political and civil life among the German people has caused the disappearance of all measures resorted to by absolute monarchy, and opened the way to absolute freedom. It is France which has given the example. . . . We want a government which will secure to us German liberty and not French liberty, which extends to us the real basis, and not empty forms. . . . According to the German laws, every man is free to follow the dictates of his own conscience, so long as he does not interfere with the legitimate rights of others, or the historical laws of the government. According to the modern laws of France, a citizen possesses no freedom when brought in contact with the authority of the government. In the estimation of German liberty, the individual is everything. In the estimation of French liberty, the

On the contrary, a very correct doctrine exists outside of France, in regard to the relations subsisting between the Church and the State. It presents a unanimous character, which during a lapse of two centuries has been wanted by the Catholics of France. It is especially manifested — in the speeches and writings of the clergy and laity, who, placed in proximity with non-Catholic majorities, and living in harmony in the diocese, gather around their bishop, and maintain an intimate alliance with the Pope: by those who exercise efficacious proselytism founded upon the inspirations of Christian love, and the superiority given by learning when combined with eloquence; by those who give evidence of their calling by their own temporal prosperity. According to this doctrine, the alliance, offensive and defensive, which has been maintained between the Church and the State, from the conversion of Constantine to the schisms of the sixteenth century, has produced the most useful results, and, in countries where unity of faith is preserved, it will produce still more. But the glorious history of the martyrs teaches that the divine work of the Church is founded upon an opposite system, and since the greater part of Europe has been invaded by Mussulmans, Greeks, and Protestants, the principle of religion in union with the State has evidently turned against the mission assigned to Roman Catholicism.

In other respects, even during the best epochs (§ 14), the alliance of Church and State has been followed by a multitude of difficulties. The sovereigns giving protection to religion have not always been animated by Christian devotion, but were frequently instigated by feelings prompted by ambition, or other motives still more condemnable. They have also fashioned their clergy into docile tools and sub-

State is everything and man is nothing. French liberty is the synonym for uniformity." (M. DE KETTELER, *L'Allemagne après la guerre* de 1866.)

jected them to a hard servitude.⁵ They have sometimes even disorganized the Church by arrogating to themselves the right of selecting from the families or corrupt dependents upon their courtiers, the personnel of bishops, abbés, and curates.⁶ In the bad epochs (§ 15), the principle upon which the alliance was formed became particularly corrupting, for it led the clergy, in the performance of their mission, to depend more upon the concurrence of the State than upon their proper devotion to the supernatural power of the Church. The principle of union between Church and State, violated by the corruption of the clergy and governing class (§ 15), gave to heresy, in the epoch of Luther and Calvin, the means of propagation which had not existed since the time of Arius. Since then, in fact, the Protestants have been found making greater conquests every time they have been able to league together with some appearance of reason, while the Catholic hierarchy drew its power, not from Christian devotion, but from the personal pleasures afforded by revenues derived from benefices ; from the support received from the governing class ; from the temporal power of the papacy, and in general from the prevailing condition of things outside of the Church.⁷

⁵ "This tendency of many Catholic sovereigns, especially of the Bourbons, was pushed so far in the last centuries, that pay was exacted in some way for their protection. One cannot think without a shudder of these very Christian kings (*ces rois très-Christiens*), depraved to the last degree, who, surrounded by the cardinals and bishops of their Courts, and pretending to maintain a strict union with the Church, were more fatal to its divine mission than those Roman emperors who threw the first Christians to wild beasts in the amphitheatre." (KET-TÉLER, *L'Allemagne après la guerre de 1866.*)

⁶ "One cannot think without shuddering that such kings, and creatures of kings, pretended to make arbitrary nominations to all the bishops and abbés in their country!" (*Ibidem.*)

⁷ Such was the cause of the moral ascendancy gained by the French Protestants from 1661 to 1685, during that sad epoch when Louis XIV. corrupted by his example and choice, that clergy (§ 17) which had formerly been elevated to such a height of grandeur in the times of François de Sales, of Vincent de Paul, and of Olier. The union of Church and State has hardly been less disastrous to Protestant hie-

In fine, when in our own days scepticism (§ 39) has become a greater enemy to religion than Islamism or heresy, when the spirit of revolution (§ 52) upheaves the constitutional powers and saps the essential principles of all prosperous societies, the union of Church and State assumes more and more those characteristics which compromise the clergy. Religious ideas can, in fact, seldom be preserved, except by a clergy disengaged from all intimate connection with the governing class. This fact is particularly visible in localities where Catholics find themselves in those independent conditions which give power to the primitive Church. Thus, for example, the German Catholics, those especially who are in proximity with Protestant majorities, oppose, in what relates to themselves, a strong resistance to the opinions and actions which might seem to sustain the objection.

Reacting against religious indifference, — one of the plagues of our times, — the German Catholics show a lively interest in the success and glory of the Church; but at the same time they believe it a duty to be heard by those who govern it. Confiding in the power which will be regained by Catholicism whenever the faithful mount to the height of principle, they manifest strong indignation at all appeals for intervention by the secular power.⁸ They dread the practices connected with absolutism and bureaucracy which some Catholics with no respect for time-honored usages would desire to have transferred from civil governments in

rarchies which have been established in various countries. Thus, the wealth and lukewarmness of the English clergy afford an explanation of the prominent position which the dissenters have gained in the moral reform of the country, since the epoch of Charles I. up to the time of George III. (§ 30).

⁸ "From the earnest interest felt for the freedom and independence of the Church, it seems to us that the Church entirely renounces all desire to establish the theocratic forms of the Middle Ages. It is that, in fact, which at the present day contributes most to alienate souls from the Church. We fear that those times will never return, when the secular power can apply physical force in support of dogma. . . ." (*Address des Catholiques des Coblentz à l'évêque de Treves.*)

decline to the government of the Church. While indignantly condemning the attacks recently made against the temporal authority of the Pope, they are fearful of the effects of a reaction, which might extend beyond all bounds established by tradition, the centralization exercised by the Holy See. Knowing that a union among Christians is necessary to bring Pagans to a knowledge of God, and to defend Europe against the invasions of scepticism (§ 39), they desire that, without absolute necessity, the dissensions prevailing among the various Christian denominations should not be increased. They therefore ask that the proclamation of dogmas successively made to perfect the symbols of the Apostles, should be discontinued as much as possible. Convinced, in fine, that Catholics, better than other citizens, can apply a remedy for social disorder appearing in peculiar forms in each locality, they demand the establishment of national and provincial synods, and, in general, the application to the Church of the measures adopted by the local governments.

By their tendencies toward absolutism, the French Catholics frequently justify the reproaches of the German Catholics. But in the presence of indifferent or hostile majorities, they habitually leave to the clergy the care of watching over the general interests of the Church. Even on the most serious occasions they seldom think of laying their wants and wishes before their bishop. This habitual indifference has passed from civil into religious life, and one can seldom observe any distinction drawn between passive obedience and revolt. I see few of the French laity* who, in the presence of religious authority, have

* At the head of these Catholics shine those who conduct the Review called the *Correspondent*. It is this circle of eminent men who have often expressed the wish that the Church may not, by new decisions, increase the difficulties in the way of establishing the alliance between the laity and the clergy. It is one of the eminent men referred to, Count de Montalembert, who has recently expressed in eloquent lan-

preserved those primitive traditions which were established in the time of St. Louis (§ 14), and restored with such brilliant success¹⁰ in the religious renaissance of Louis XIII. (§ 16). Nevertheless, the intimate union and activity of both laity and clergy is more necessary to-day than ever before. It has singularly contributed to the establishment of Christianity. It daily produces the most happy results in the Catholic dioceses of the Protestant States of Europe, in the United States, and in Canada (§ 70). When concerted action between the laity and clergy shall be established, the French Catholics will recover that ascendancy which they possessed in the epochs which I have heretofore mentioned. They will not only put down the objections which are opposed to their principles, but—to the confusion of their enemies—that persecution carried on at the present day against the Church, to the scorn of tradition, law, and liberty. -

I am more and more confirmed in my belief in this happy advent, by witnessing the unheard-of errors which have made an irruption upon Europe. I am persuaded that my fellow-citizens will not render themselves auxiliaries to these new ravages of the spirit of evil. During two centuries, in fact, the French, more than any other people, have been the corrupters of European society. They have been the apostles of that social scepticism taught by the Ency-

guage the sentiments of admiration and regret with which he has been inspired by analogous wishes expressed in a petition of the Catholics of the Rhine (n. 8). "The impression it made upon me I may compare to a ray of light which I had seen shine out in the midst of a dark night, or to an energetic Christian voice prevailing over the declamations and ravings with which we are so often deaffened. Allow me to add, that I think myself somewhat humbled that it is you, Germans of the Rhine, who have at this time taken the initiative in a demonstration which so much resembles the ancient activity of French Catholics."

¹⁰ The fruitfulness of the active alliance of laity and clergy in the epoch of Louis XIII. is brought into strong light in the history of Olier, and the acts of the company which founded the colony of Montreal in Canada (§ 70).

clopedists, established upon adultery instituted by their kings, — of the revolution imposed upon them by the illusions of the Girondists, and of the violence of the Terrorists. But in thus severing themselves from Religion and Custom, many of them sincerely believed that they labored for the good of mankind.¹¹ Even those who remained imbued with those errors would not wish to be considered as falling below the standard of doctrines taught by Voltaire, Vergniaud, and Robespierre. They would not follow the new doctors, Slaves and Germans, who, with that pertinacious obstinacy and cold impassibility characterizing their races, call upon us to imolate to a pretended truth, morality, reason, and all that contributes to the happiness of the entire human race (§ 39, n. 6).

Surpassed in their audacity by aberrations which crush the most enduring aspirations of the national spirit, they will return from their own errors, and, to combat a common enemy, will all unite themselves to those who establish truth upon respect to God. Then will commence a high mission for Catholics, who, resting firmly upon their principles of unity, hierarchy, and the usages of the Church in all times, will repudiate absolute monarchy and revolutionary slaughter of every kind, which have been committed against our race by governments existing in our own day (§ 17). Like the Protestants,¹² they will be careful to preserve themselves from corruption, and exalt their clergy to the highest degree of perfection which humanity is permitted to attain. Stimulated by great examples, they will recommence the conquest of souls through free discussion, and become the principal agents of reform. As in the times of François de Sales, d'Olier, and of Vincent de Paul, they will restore sanctity to Europe, along with

¹¹ This singular aberration is expressed with extreme simplicity in many of the writings during the revolution and ancient regime in decline. It constantly shows itself in the writings of Voltaire.

¹² *Réforme Sociale*, pp 207, 208.

special virtues adapted to the present state of error and suffering. By their actions as well as their principles they will at the same time put an end to religious hates and intestine war, and this end they will attain by establishing in all hearts the empire of Christianity.

§ 42.

REPLY TO OBJECTIONS CONCERNING TESTAMENTARY LIBERTY.

The Anglo-Saxons of both hemispheres are strongly attached to the right of testamentary freedom. They tenaciously adhere to it everywhere, extending it to their innumerable colonies created in all parts of the globe, to desert regions or places peopled by savages. Next to religion, they consider it the principal cause of their success. They are astonished to find Frenchmen obstinately maintaining the fatal regime of forced partition of inheritance (*partage forcé*), and their wonder is increased on hearing the objections to the restoration of testamentary liberty made by my compatriots.

I shall reply particularly to the four of these objections founded upon the pretended natural right of infant inheritance; upon the tradition of 1789 and of the first empire; upon the captations exercised at the bedsides of the dying; and, lastly, upon the peculiar repugnance which the peculiar genius of our race opposes to the practice of making wills.

§ 43.

FOURTH OBJECTION: — ACCORDING TO NATURAL LAW, ALL CHILDREN POSSESS AN EQUAL RIGHT OF INHERITANCE.

Most Frenchmen belonging to the legal profession urge, in support of the fourth objection, the natural right of children, issues of the same marriage, to an equal share in

the affection of their parents. The Anglo-Saxons unite unanimously in opposition to this theory, and urge as a reason for doing so, that sound views of natural law, founded upon reason and confirmed by the experience of prosperous nations, subordinate the right of children to the free volition of the father manifested by the testament or will.

There is good reason to believe that the natural origin of all property is from labor rendered productive by economy or saving. The proprietor possesses a sovereign right to dispose of that which he has created. He employs it without restriction for all his uses and conveniences, and with the same liberty transmits it to another proprietor, should he not have thought proper to consume it himself or give it away while living. This natural right still exists after the proprietor has become the father of a family. The law ought not to restrain him in any way, except in case his children become burdens on society. The right to regulate his private property comes therefore in this last case, from the injury inflicted upon the interest of the public by his children.¹

The Anglo-Saxons, moreover, take very little interest in the endless discussions raised upon this subject of natural law, but they feel very sure that their regime is in conformity with human nature, from the evidences of its good effects in innumerable colonial establishments founded by their race in the two worlds.

Everywhere, the man and wife, united to perpetuate their race, lavish upon their infant those treasures of love and devotion, deprived of which it could not exist a single day. This solicitude is as indispensable to the preservation of the species as the play of the vital organs is to the existence of

¹ Montesquieu says: "The natural law enjoins it upon fathers to support their children, but does not compel these to become his heirs."
(*Esprit des loix.*)

the infant. God, in his infinite wisdom, has founded this sentiment upon the innate inclinations, as he has the organism of the body upon natural laws. And this is the reason why the most-degraded savages perpetuate their race without the help of any law, civil or religious. The Decalogue, that sublime epitome of laws strictly indispensable to the existence of a civilized people, no more enjoins paternal love than breathing the vital air.

Everywhere, also, parents consider that they have fulfilled their duty to their child when he has arrived at adult age, and can gain his subsistence by his own labor, and in his turn establish a new family. At this epoch of his life, the child has nothing but duties to fulfil towards his parents. It is true that some savages abandon or kill their old parents when these can no longer support themselves. But for doing this they are subjected to a moral forfeiture, which places them almost upon an equality with brutes. It is to prevent such a decline that the Decalogue commands respect to parents, immediately after the three commandments prescribing respect to God. In its extreme concision, this supreme code of humanity has not defined the right of parents as fully as the duties towards God. But the Anglo-Saxons, as all prosperous and free people, have supplied this omission by substituting local usages which are only spontaneous expressions of the natural law.

According to these customs, parents, after having provided for the establishment of their children, are at full liberty to dispose of all property which they have saved or earned. The constraints depended upon to regulate this liberty are purely matters of conscience, founded upon observance of the moral law, respect for tradition, and patriotism. Other restrictions are special and depend upon diverse conditions of society. Thus, the Social Authorities (§ 5), devoted to the useful branches of industry which give occupation to the mass of the nation, in transmitting their

property always subject it to six essential usages (§ 19). But the accomplishment of this duty, without which there is neither harmony nor welfare in the order of labor, is absolutely incompatible with the right of infantile inheritance.

The heads of families, patrons, overseers, and workmen connected with establishments where rural or manufacturing work is carried on, strenuously oppose this law of forced partition, and in doing so have the assent of their children. They select from their family any one they please to establish at the fireside as an associate and heir (§ 6), one whom they believe best qualified to carry on the business founded by his ancestors and preserve his traditions. After the death of the parent, the heir, with the director and workmen, continue in full possession of the fireside and instruments of labor. But it is his duty after his marriage, and will remain to be so until the day of his death, to fulfil the obligations imposed upon him by Custom (§§ 20 to 25): very serious duties, not binding upon the children outside of the paternal mansion and living upon their own means (§ 6).

§ 44.

FIFTH OBJECTION:—TESTAMENTARY LIBERTY STANDS CONDEMNED BY THE PRINCIPLES ESTABLISHED IN 1789, AND BY THE TRADITIONS OF THE FIRST EMPIRE.

According to this fifth objection, the present regime of forced partition having been derived directly from the principles of 1789, and preserved by the First Empire, the present government cannot restore testamentary freedom without deviating from its principle of tradition.

These allegations, daily repeated in France, are not merely simple errors, but the very opposite of truth. In the writings of the encyclopedists, and of Voltaire, Rousseau, and others who assisted in bringing on the revolution,

I have never met with an objection against the liberty of testament. Montesquieu, with numerous other eminent juriconsults, have formally denied the right of infant inheritance (L). The files of the States-General do not contain a single critique in regard to testamentary liberty; and this authentic depositary of the opinions prevailing at that time, is alone sufficient to establish the fact, that forced partition was not a principle of 1789.

The law of forced division was engendered in the most sinister epoch of the revolution. It was promulgated on the 7th of March, 1793, with the avowed object of destroying all paternal authority in the family, and all influence of the spirit of tradition throughout the whole nation (E).¹

The First Emperor preserved forced partition with the view of putting down ancient families of all conditions; but he availed himself of his authority to re-establish, under the name of *Majorats*, a system of forced inheritance in favor of families distinguished for their devotion to the new government. These simultaneous works of demolition and reconstruction, effected by the voice of power, gave origin to the prevalence in the new regime of two sad tendencies of the old regime in decline, — a spirit of intolerance, and the omnipotence of the State. The impressions left by the actions of these, appear in the legislation of that epoch. Napoleon I. revived the theory with singular energy (K).²

According to reiterated declarations, the Second Empire has for its mission the continuation of the work of liberty interviewed, if not accomplished, by the illustrious men of 1789. It will therefore not be obliged to have recourse to constraint so as to occasion disorganization of private life or to reconstruct this upon a new plan. In submitting upon this point to the impulse given, by the legislators of 1789; in preserving like his predecessors the law of forced partition except in regard to *Majorats*, the present government

¹ *La Réforme Sociale.*

² *Ibidem.*

evidently does not yield itself to the principles of 1789, or to the practice of the First Empire. It simply continues the revolutionary work of the Reign of Terror, ameliorated by the palliative of the Consulate.*

§ 45.

SIXTH OBJECTION: —THE RIGHT OF HERITAGE TO CHILDREN TAKES AWAY THE SCANDAL OF CAPTATIONS MADE UPON FATHERS.

This sixth objection has special reference to the manoeuvres tending to despoil families under the guise of religion to the profit of vice. I oppose to it the experience of those nations who practise testamentary liberty, and who, in the opinion of Europeans, have in our own days given the best models of social organization.

In what relates to the evil moral influences exerted by the system of captations, free and prosperous communities have found by experience, that all restriction imposed upon testamentary liberty impedes the good without preventing the evil.

In fact, thanks to the power exerted by a free people in establishing the right of free testament — the fathers of families have been enabled to suppress the original vices inherent in their offspring; they have trained them to obedience, to labor, and to virtue; they have taught them patriotism and other special qualities of the race, and, in conclusion, they have put them in the way of transmitting, in their turn, the prosperity of ancestors to their descendants. The fathers of families accustomed to labors connected with the industrial arts, are those who will find the

* See, in support of the various historical indications which will hereafter be given, a *précis* upon the history of our regimes of succession (*Réforme Sociale*). This *précis* is so summarized that I have not been able to abridge it further.

right of free testament most serviceable to the family and to the State. They will place in the first rank of their duties, the choice of an inheritor (§ 20) who is immediately associated with their domestic life and labors, and who will, one day, have charge of religiously preserving the custom of the establishment. They will dedicate the products of their places of labor to establish elsewhere those of their children capable of founding new establishments. By accustoming their children at an early age to respect the Decalogue and observe the six most essential usages (§§ 20 to 25), they will everywhere contribute to their durable prosperity. Under a regime of compulsory right of inheritance, these traditions would soon disappear; for children who are willing to submit to the most painful efforts when their welfare depends upon their labor and virtue, sink into idleness and vice as soon as they can enjoy the riches created by their ancestors.

Such is now the case in modern France, where the effort comes especially from the impoverished youth, or the youth possessed of riches when only pursuing ways calculated to promote decline. In this connection, the right of all children to equal inheritance is now more disastrous than the former right of inheritance vested in the eldest son. Under the ancient regime, in fact, corruption proceeding from wealth weighed only upon the elder son, and was kept in check by the idea of social duties to fulfil. Under the present regime, this corruption, without any corrective, applies to all the children of every wealthy family, and is rendered still more formidable by the idea of wealth only associated with enjoyment, and foreign to all sense of duty (C).

On the other hand, the interdiction of the right of devising property after death can seldom prevent evil as long as the right to the free use of it during life exists. The

father, who, in the presence of death, that supreme redresser of perverse natures, has not been restored to a sense of justice, might have disgraced himself in the eyes of the world during his life, and his will would not show the worst of his misdeeds. The government of Terror, who, after the example of Louis XIV., wished to arrogate to the State the guardianship of individuals, even in regard to the smallest details of private life, in order to attain its end should have been able to impose its restrictions, not only upon the right of testament, but likewise upon the right of enjoying property. Since the 7th of March, 1793, France has unfortunately been showing this dangerous propensity. By assuming the right of inheritance for children, she has already inculcated communism to many minds,¹ and she would have introduced this into practice if she had extended the right to the enjoyment of property during the father's life.

In what relates to captations made in the name of religion, the people living in the enjoyment of liberty and prosperity are placed in a very different position from that which is generally maintained in France. Their opinion is, in all respects, conformable to that held by our nobility and our bourgeois up to the seventeenth century. According to this opinion, a father has fulfilled his duty to his children when he has brought them up and given them proper instruction (L);² when he has provided a worthy successor to the fireside and place of labor of his ancestors; and

¹ A congress, assembled at Basle, September 10th, 1869, has passed by a majority of 54 out of 58 voters, the two following declarations: "1st. This congress declares that society possesses the right to abolish all individual right in the soil, and to cause a surrender of the soil to the community. 2d. It moreover declares that it is necessary to make over the soil as common property." What is most to be deplored in this manifestation of the social disorder now existing in Western Europe, is not that 54 persons may be found disposed to proclaim such an aberration, but that they are enabled by a certain kind of logic to deduce it from a principle of our civil law.

² *Lorsqu'il les a "endoctrinés et nourris honnestement."*

lastly, when he has brought up all his children so as to be able to gain their daily bread by labor. The most considerate families are those, who, after having thus provided for each generation, consecrate some of their superfluity to works calculated to promote the good of the public. Among such works, religious institutions stand in the first rank; next come those connected with the education of children and young persons, the cultivation of the liberal arts, the perfection of the common industrial arts, and lastly, giving aid to those who cannot find sufficient support from the family. Such institutions exert a beneficial influence in all the departments of social activity. But they are more particularly connected with local government and private life (§ 67).

Among nations with civil and political liberty firmly established, these important social duties are confided to perpetual corporations, supported by donations and legacies; and such corporations are managed by directors giving their services gratuitously. These may, in fact, be called the agents of liberty (*les agents de la liberté*). The people who possess the smallest amount of freedom are those among whom similar services are sustained by imposts, and managed by paid functionaries. The study of this contrast singularly tends to elevate those social regimes which are founded upon free corporations devoted to the good of the public. Those families who gratuitously devote themselves to the establishment and direction of such institutions are held in high esteem.

In families devoted to labor, fathers should never increase their donations and legacies to a point which will compromise their own prosperity, and, under a regime of testamentary liberty, I do not think this abuse has ever been committed either in France or elsewhere. The State, moreover, everywhere exerts its control over donations and legacies destined for the support of perpetual

corporations; it refuses its authorization whenever the legacy violates a respected custom, and it checks abuse when the corporation no longer responds to the spirit of its institution.

My fellow-citizens may, I hope, some day cease to maintain the right of compulsory inheritance as a dogma, and finally return to the instructions derived from reason and experience. They will then acknowledge, not without mortification, that this regime has really compromised those interests which they expected to protect. This kind of disappointment is specially reserved for those who, to prevent the manœuvres of corporations, refuse liberty to the father of the family. In countries where the right of testament is controlled by the State, the will seldom allows much of the property attached to places of labor to be bestowed on corporations. In France, on the contrary, the law of forced partition secures to those corporations important inheritances. Those corporations which are recruited by young ladies and gentlemen belonging to wealthy families, are endowed with rights as inheritors, which cannot be contested by co-inheritors, nor controlled as simple legacies by the State or its tribunals. The possible consequences of such a regime may be readily imagined. If, some day, these corporations should lose the devotion which now inspires them, —should make an abusive use of their influence over young and unsuspecting persons placed under their charge, who, owing to their mode of education, have been separated from the affections prevailing around the fireside and the interests of the place of labor, —those captations would certainly be made which were vainly sought to be avoided. The only difference would be, that these captations upon young persons would be made without any possible way of preventing them, by applications made to magistrates or the heads of families. Now, the authors of these objections believe that the corporations will leave no means untried to secure rich

accessions. They therefore exhibit great inconsistency by bestowing their preference on a regime which gives the greatest possible encouragement to this kind of abuse. Why is it that they have not been brought to understand that in free societies allowing testamentary liberty, the manoeuvres which they so much dread are completely disconcerted?

In wealthy families, where idleness and vice prevail, there has often been a shameful disposition made by will of fortunes created by ancestors. This, however, is one of those irregularities which the best social institutions cannot well provide against; and it must be further considered that the disorganization of such families is not an evil without a compensation. On the contrary, such shameful acts are never performed by heads of families devoted to labor; for the main object in life of these is to link the possession of the family fireside to the place of labor destined for their descendants.

The same mortifying subjects are reserved for those who, in resisting testamentary liberty, pretend to favor the small proprietors at the expense of the large, or who take to themselves credit for propagating among their fellow-citizens ideas of equality.

The regime of forced testamentary division, in France, is attended with consequences diametrically opposite. It most certainly produces disorganization in families of all ranks and conditions (K); but this influence operates far more disastrously upon the small than upon the large proprietors.² Among the small proprietors it incessantly destroys the first-fruits of labor and economy, and more especially the possession of the family fireside (§ 24). It despoils their heirs, and especially orphan minors,³ of those profits which accrue to men of business. Forced division of property can administer to no other object than to pre-

² *La Réforme Sociale*, t. ii. 44-66-69.

³ *Ibidem*, t. iii. p. 522.

pare the way for establishing the idea of equality. France, where this regime reigns under its most absolute form, is the nation which, in its manners, seeks most for social inequalities and associated privileges. Equality is doubtless often shown in words (§ 59); but it is never exhibited in acts, unless when imposed by legal constraint.⁴

§ 46.

SEVENTH OBJECTION: — THE USAGES OF FRANCE REPEL TESTAMENTARY LIBERTY.

In justification of this seventh objection, our legal authorities represent that the nation has at all times shown a disposition to compel the father of a family to make an equal division of his property among his heirs, rather than to allow him full right to dispose of it by testament. To all demands made for changing this, they oppose an argument which they think admits of no contradiction. Under the regime of the Civil Code, they say, fathers of the family are at liberty to dispose of at least a fourth part of their property. But there are only a few who take advantage of this privilege. It would therefore be of little use to extend to them full freedom of testament.

This objection, and the argument by which they endeavor to support it, is refuted by our history. Before the revolution, the custom of integral transmission had, in France, played a more important part than the custom of equal division. In spite of the severe regime of restraint established in the Reign of Terror, the custom of integral transmission is still far from being abandoned, and it is yet practised with unshaken attachment by millions of our provincial inhabitants. It is not, therefore, a spontaneous change in manners, but the presence of law which has, little by little,

⁴ *La Réforme Sociale*, t. ii. pp. 381-392.

effected the substitution of the customs and habits of equal division. Having exposed elsewhere the facts which justify these assertions, I will here limit myself to a summary statement of the history and present state of the two systems of succession.

Previous to the revolution, integral transmission of rural property was dominant in the western region, namely, in the South, in the Pyrenees, Basin of the Garonne, and mountains on the right bank of this river; in the North, in Normandy and the highlands contiguous to La Manche and the Atlantic; and in the centre, in most parts of the mountainous and hilly districts. In the East, the same system was widely spread upon the shores of the Mediterranean, in the Cevennes, Auvergne, the Alps of Provence and Dauphiny, Forez, Morvan, Jura, and the Vosges. In fine, throughout the whole of France it had been extended by the Feudal regime to a multitude of localities, even to the cereal plains where the second system of transmission prevailed. The rural manufactories, where integral transmission was practised, belong to a type which may be called the agglomerated estate with a central focus, (*le domaine aggloméré à foyer central.*)¹

This excellent agricultural organization had generally for its origin three principal causes: the customs associated with the family head or chief (*la famille souche*), (§ 6); the advantages inherent to proximity of dwellings and farms; obstructions opposed to parcelling out estates which, enclosed by trees and hedges, constitute the charm of these rich domains. In fine, the preservation of these united agricultural estates was secured by testamentary liberty, aided by the custom of *ab intestat*,² created in the progress of time, by repeated use of testament. This rural organi-

¹ *Ld Réforme Sociale*, t. ii. pp. 44–50. See the charming picture drawn in 1787, by Arthur Young, on the subject of the agglomerated domains of Moneins (Bern). (*Travels in France.*)

² Heir of one who dies intestate.

zation stimulated the fecundity of the race, and gave singular strength to the State. In Gascony, as well as in Normandy, the younger sons of prolific families who devoted themselves to the success of their offspring, afforded an inexhaustible nursery for the liberal professions, the clergy, the army, and colonists.

The second system of transmission, equal division, was dominant in the cereal plains, and especially those of Lorraine and Champagne. It equally existed in a multitude of places disseminated in the midst of regions where the first system prevailed, especially in the cities and their outskirts, in the vineyards, in numerous nurseries of trees and garden grounds worked by hand. The rural places of labor maintaining equal division, had for their type the estate with villages and outskirts parcelled out, (*le domaine des villages à baulicue morcelée.*)³

Among the original causes which gave rise to this system, there may be cited in the first rank: in the Eastern frontiers, that necessity for grouping the dwellings together for protection against the attacks of partisan bands; in the South, and in the basin of the Rhone, the tendency of populations to acquire the manners of the Greeks and Romans; and everywhere, the facility of parcelling out to the smallest degree, lands which might be subjected to agricultural labor, without enclosure. This deplorable agricultural organization naturally engendered the unstable family (§ 6); and this, when once instituted, gives rise to equal partition, and little by little abrogates the practice of making wills. The estates divided up, do not contribute to the best inter-

³ *La Réforme Sociale.*—T. Jefferson, upon visiting a part of Burgundy, referred to the inconveniences entailed by the unfortunate organization of property. "Few chateaux; no scattered farm-houses; all the inhabitants living in villages. It is certain that they must be less happy and less virtuous in their villages, than if each one lived isolated with a family upon the land he cultivated. The people are poorly dressed; the women and children carry heavy burdens. This is an indication of extreme poverty." (*Mélanges Politiques.*)

ests of the family or the State. When families are prolific, the populations rapidly fall into poverty. When they found their happiness on sterility, the State loses its means of defence and power of expansion.

The law of forced partition, imposed upon France by the government of Terror, was in harmony with the manners and religion of the instable families of subdivided estates. But it deeply wounded the sentiments and the interests of the region where the system of concentrated estates existed, handed down from immemorial times through the heads of families. In fact, all the members of these families had been imbued with the manners and ideas founded upon their secular traditions. They believed that the honor and interest of each exacted a fulfilment by the heir of the duties imposed upon him, not only by the customs of the places of labor (§ 19), but still more by the traditions of the family. Among these last duties, and figuring above all, is that of preserving the tombs of the family, and those tokens of remembrance dedicated to the memory of their honored ancestors; the celebration of anniversaries by which religion established the solidarity of successive generations; the affectionate care of all aged parents; the comforts of the fireside accorded to all those members of the family, who, from physical, intellectual, or moral infirmities, were not able to maintain themselves; assistance to the old servants and to neighboring families visited by any accidental misfortune; in fact, the accomplishment of all the obligations which every respectable family was called upon to fulfil towards the local government, the province, and the State. Now, the heir was not able to comply with all these duties and hold the estate exempt from hypothecation, if the expense incurred in establishing his brothers and sisters exceeded certain limits. According to the experience of all the rural districts where this system of inheritance prevailed, the heir was not able to pay off, in the form

of legacies, during a generation averaging twenty-five years, a sum exceeding the half of the salable value of the estate.⁵ These facts were generally recognized in France in those districts where this usage prevailed. Custom, which established the integral transmission of the estate confirmed by periodical testaments, simply enjoined it upon the heir to pay to his brothers and sisters one half the sums deducted from the annual profits of the estate, equivalent to one half its value at the time of its establishment. It will therefore be perceived that this social organization has been radically destroyed in its principle, by that law enacted in the Reign of Terror, which compels the heir, immediately on his accession, to distribute to each of his brothers and sisters a portion equal to his own.

In those families which were desolated in the revolution by the death of their chiefs, the disorganization of their estates did not immediately follow the promulgation of the law of 1793. Old habits at first resisted innovation, and ten years later the absolute reign of forced division was rendered milder by the Civil Code. Since then, the heads of the families have resumed a custom which is contrary

⁵ In the course of my studies of domestic accounts (O), I have often verified the perfect convenience of this custom. The peasants living under this system in the Scandinavian and German States, and in Hungary, Styria, Carinthia, Tyrol, Switzerland, Italy, Spain, Basque Provinces, and some parts of France, while living most frugally and laboring industriously, cannot save more. Under ordinary circumstances the annual average earnings do not exceed two per cent. of the value of the estate. In each period of twenty-five years, a new heir is married at the family fireside. He cannot therefore afford to appropriate more than 50 per cent. as portions to those of the offspring which it is necessary to establish elsewhere during the lapse of time mentioned. These savings, besides, produce no interest to the heir, for they are taken as fast as produced to pay off the stipulated portions. The reader who is not acquainted with this organization of families and rural estates, may consult the table I have made with full details, furnishing an admirable type of Southern France, in the peasant of Lavedan (P). Portalis, who was born in that region, was familiar with the results of this rural custom, and in the discussions upon the Civil Code he demanded in vain that the amount to be distributed should be fixed at one half the value of the estate.

to that indicated by the authors of the objection, by invariably allowing to the heir by the will, a fourth part of their property, with the object of favoring as much as possible the integral transmission of the fireside and workshop. Thanks to this last vestige of testamentary freedom, the ancient regime has often been enabled to preserve itself, when the co-heirs, and especially the public officers called upon to intervene in liquidating the inheritances, have put forth their energies in endeavors to follow the spirit of Custom rather than the literal text of the Civil Code.⁶ Under these influences, hundreds of thousands of families, who have maintained the ancient custom of devising the estate to the head of the family, have in the South of France been kept up to the present day. In certain parts of the country distant from the great lines of communication, family influence is still preserved so well that sometimes children of the same blood, in order to secure the institution, unite in making an heir to the inheritance, on condition that one fourth of the property shall be made over to him should their father die suddenly without making a will.⁷ Unfortunately, the admirable customs of these rural districts find no support from the inhabitants of the cities, which last take advantage of their preponderance to advance very opposite views. These old customs are every day undermined by the irresistible influences exerted by the Civil Code upon opinions and interests.

⁶ In the course of my travels, I have met with public officers in the Pyrenees Mountains, and some other places, who have been imbued with this spirit. These used their influence to induce all the members of a family to agree upon a moderate valuation of the paternal estate in favor of an heir, in compensation for their claims under the will of the father of the family. They especially recommended the co-heirs to endeavor to preserve harmony among themselves, so as to avoid contention and lawsuits incident to the transmission of property under the existing law of forced partition. Such contention and litigation has proved ruinous to many French families (D).

⁷ See hereafter, in note II, a custom of Vercors and of Sédéron (Drome).

Under the guidance of their individual interests, the public officials appointed to perform the duties attendant upon divided successions are the first to make attacks upon the custom of integral transmission. By propagating around them the spirit of the Code, they create for themselves lucrative offices. Appealing to the passion of cupidity, they by this means induce the co-heirs to make a distribution of the property at its auction value, including the very remnants of the estate.⁸ When Custom has once been violated, the evil extends step by step, from the example of those who are the least worthy of directing the affairs of families, but who seek support from law and its agents. Then begins an era of ruinous proceedings between the docile paternal joint-heirs, and those who are actuated only by selfishness. These strifes have as an inevitable result the discouragement of well-disposed persons, and afterwards the successive abandonment of the most salutary usages of the fireside and the workshop. As to the fathers whom God has endowed with all the sentiments necessary for the preservation of families, they, for a long time during this epoch of disorganization, resisted the action of the Civil Code, public officers, and rebellious children. In doing this, they were compelled to resort to artful manoeuvres, which the last freedom left at the present day to private life, allows. But they, in turn, became discouraged on finding that their endeavors only promoted litigation, and opposition to testamentary freedom. Finally, when such usages became definitively established, men were led to dread the responsibilities imposed upon them by families. Henceforth, left without any moral restraint, their only object in life was independence in a state of celibacy, or a marriage of sterility. Fathers of families suffering themselves to be invaded by these contagious opinions, lose sight of the connec-

⁸ See the details of inconveniences of all kinds to which these sales and distributions give rise. (*La Réforme Sociale*, t. ii. pp. 52 to 60.)

tions which should serve to unite the present generation with that of their forefathers and their descendants. They no longer comprehend the duties which the family should fulfil, and occupy themselves only in affairs connected with their immediate interests.

The law of forcible division destroys not only the custom of the family heir, but all the sentiments which are engendered by those correct views of property which secure people in prosperity under the usage of free testament. It is in this way that the revolution has dealt a fatal blow upon our nationality.

According to time-honored opinions religiously preserved by model nations and communities, the possession of the family fireside and workshop are linked together for the purpose of accomplishing certain social duties, the recollection of which should be impressed by the will upon each successive generation. A high civil and political mission exists with the father of the family, the duties of which he alone can fulfil, as he only has a perfect knowledge of them. In model nations, the legislature sometimes assists the father in the accomplishment of his task; but it never trespasses upon his authority, and even should it interfere with the system of successions by any formal order, this would preserve the character of a law applicable to one who dies without a will (*ab intestat*). Eminent legal authorities in England and Germany have always assured me that such was the spirit of the ancient customs of Western Europe. In connection with this, they were induced to think that the promulgation of the Civil Code in France has produced a lower standard of the science, as well as the common views in regard to the rights of property. In support of their opinion they make the remark that, in France, the respect due to the will, and to the duties connected with the transmission of property, are more and more forgotten.*

* To these reproaches I have always replied, that many of our emi-

According to the notion propagated more and more widely through the persistent influence exerted by the Code, the family fireside and workshop, as means of personal enjoyment, are entitled to no more consideration than so much other capital of equal money-value. This unfortunate conception is derived from a very subversive idea, namely, that children, issues of the same marriage, are entitled to claim absolute equality and birth-right, superior to the rights of the family, and without regard to any services rendered at the fireside and workshop. In fact, where the fireside and the factory are handed down from one generation to another without any respect paid to ancestral traditions, without any concern for the six essential usages (§ 19), without regard for those persons who had been associated with parents in their domestic life and

nent men have preserved the spirit of our old national traditions up to the present day. Among our contemporaries, M. Troplong is one of those who have most clearly shown that customs should always subordinate the law in regard to the right of testament (L). Unfortunately, this wise precept is not followed. Far from this, the ignorance existing in regard to the good usages created by our ancestors and now observed by other nations, — the prejudices engendered by the revolution, the interference of public officials interested in creating perpetual disorganization in families and workshops, — all contribute to drive our nation in the opposite direction, while the jurisprudence of the tribunals, instead of defending the right of free testament, constantly strives to place restraints upon it. It must, however, be admitted that our courts of justice, struck with the advantages derived from certain systems of integral transmission founded on secular usages, have sometimes reacted against the spirit of the Civil Code. Thus, at Bourges, the court has, for a long time, maintained by its jurisprudence an agricultural community of lower Nivernais. (*Les Ouvriers Européens*, p. 247.) The Court of Cassation, in a recent decision (May 23, 1869), by confirming the judgment of the Court of Pau, prolonged the existence of an admirable family descent, dating back more than four centuries. This family is the one which I described in 1856, pointing out then, as I do at the present time, the dangers from which it had once more escaped. (*Les Ouvriers des deux Mondes*, t. i. pp. 107 to 160.) The family came out of this lawsuit victorious, but ruined. A history equally lamentable, ending almost in entire destruction, could be written relative to numerous families of peasants, who, since the great epoch of the thirteenth century (§ 14), lived upon their estates in the enjoyment of happiness and liberty.

labors, when, in a word, the problem of successions is reduced to the division of a sum of money, the will becomes totally useless, and the establishment of an heir simply an unjustifiable act of inequality. The heritage no longer remains a great social institution, created under the inspiration of the most noble sentiments connected with the father of the family and the citizen. It is a simple liquidation which requires no other science or other solicitude than that of the expert and commissioner for appraisement.

But at the same time that this fatal notion in regard to property is extending itself, certain pretensions are set forth by those logicians who indulge a propensity to push a principle to its extreme results. If it be proper, they say, to dispense with the heirs in spite of the will of the father, and of those duties which he fulfils towards the family, the workshop, the province, and the State, if all is reduced to giving to the heirs equal shares of personal enjoyment, no reason exists why that advantage should accrue only to the children of the defunct. The desire to enjoy the wealth created by ancestors, without incurring any social obligation, is universal. The right of heritage, when it confers the right of enjoying without imposing any corresponding duties, cannot therefore be logically established in the family circle or in the parent. It is thus that communism, which finds no opportunity of gaining ground under a system of testament,¹⁰ in the presence of the obligations connected with the fireside and workshop, rises up in all directions where the regime of forced division prevails.

¹⁰ In free communities devoted to labor, the usage of integral transmission of the trades and patronage originate, on the contrary, from the fathers of families. The capacity necessary for keeping up the domestic circle and the business of the manufactory, as practised by the head of the family, is acquired only by the one who has served a long apprenticeship. It is therefore natural, that, in transmitting at the same time the inheritance and its duties, the father of the family should establish as his heir the one who had been associated in his labors.

As long as this doctrine shall maintain its sway over minds, the present usage can scarcely admit of any reform. The majority of those who die will leave, as they do to-day, the public officers to carry out the legislative provisions. Even the most intelligent minority will refrain from making any resistance to the most evil practices, lest they should involve their heirs in ruinous lawsuits (D). But this abstinence is not, as objected, freely adopted as a custom. Over the greatest portion of the country it is imposed by a severe regime of constraint, and by the interested intervention of public officers.

It would be otherwise, if testamentary liberty became re-established. Assured that in future their last wills would be sustained by the force of law, fathers would resume, little by little, the custom of securing the welfare of their children through the instrumentality of the will. We should then witness a restoration of those admirable customs which formerly created the grandeur of the nation (§ 70), and which now cause this superiority to pass over to our rivals. In flourishing colonies, France would witness the expansion of the race, while upon the metropolitan territory it would secure the simultaneous transmission of wealth, talent, and virtue. Those even, who by favor of exceptional processes continue to make equal divisions, according to the present principles of the law *ab intestat*, would return to the use of free testament. Putting to profit the experience of their lives, and the knowledge they have acquired of the characters of their children, to realize the programme of the legislator, they would make arrangements for liquidations preferable to those now carried out by the public officials. In all cases, moreover, the regime of free testament would have the advantage of protecting the heirs from those lawsuits which, under the regime of forced partition, so often bring ruin upon them.

In conclusion, it is not true to assert that testamentary

freedom is opposed to Custom. In those regions where morcelated estates and instable families exist, it may at first be little used, without however being ever hurtful. But everywhere, with the aid of the local custom of *ab intestat*, it will in the end produce many advantages. At the present time, testamentary liberty would be received with profound gratitude in those southern provinces which have ever retained correct ideas in regard to the rights of property.¹¹ The fathers of families would, with inexpressible pleasure, again possess the power of preserving the traditions of their ancestors without having to infringe the laws by tricky evasions, and without engendering discord among their descendants.

§ 47.

PEPLY TO OBJECTIONS RELATIVE TO THE SUPPRESSION OF PROCEEDINGS IN CASES OF SEDUCTION.

The laws of France, which secure impunity to the man in cases of seduction, afford a subject of astonishment to the Anglo-Saxons of the two hemispheres. North Americans, in particular, severely denounce this aberration, and I

¹¹ The following memoirs upon this subject may be consulted:—Inquiry into the state of families, and the application of the laws of succession in the departments of the Lower Alps, High Alps, Maritime Alps, Bouches du Rhone, Var, Vaucluse, and Gard, made in September, 1867, and February, 1868, by M. Claudio Jannet, Advocate of Aix. (*Bulletin de la Société d'Économie Sociale*.) Note upon the organization of the family in the department of Drome, by M. E. Helme. (*Ibid.*) In that portion of Dauphiny, the paternal fireside still groups around it the sentiments of all who are attached to it by birth. They would be pleased to have its possession secured to the oldest heir, as a means of preserving a common centre of affection. On this subject, the author cites the following incident, which, according to the Parisian notion in regard to the right of succession, would remain inexplicable: "In the Vercors, and canton of Sédéron, the custom of favoring the oldest child is so well established, that in cases where the disposable property has not been conveyed by the father to the eldest son, the younger children voluntarily abandon it, from a sense of obligation."

have often heard them declare, that, in this respect, the French have lost all sense of moral propriety. Nevertheless, this third reformation seems less repulsive to their minds than the two preceding. Since the epoch when impunity was secured by the Code (September 25th, 1791), the ideas and manners of our legislators have been somewhat purified, and I know in the councils of our present government eloquent orators who would be proud to have their names connected with this subject of social reform.

In regard to this reformation, as with the two preceding, France will never be brought to the truth until she becomes inspired by her own traditions and the force of examples set by her rivals. Referring myself to this double authority, I shall proceed to refute the two principal objections generally urged among us to any change in the revolutionary legislation.

I desire to show, above all things, that the responsibility imposed upon seducers by prosperous nations, violates no sound opinion of equality and justice under the two social regimes (§ 8).

§ 48.

EIGHTH OBJECTION: — SEDUCTION IS NOT A CRIME; IT IS THE VOLUNTARY ASSENT OF TWO PERSONS EQUALLY FREE.¹

Reason and experience unite in refuting this eighth objection. They both absolutely condemn the principle of equality in all that concerns the relations maintained by the man and the woman, in the family as well as in the State. Physical, intellectual, and moral aptitudes show nothing but contrasts between the two sexes, and in every good social organization these contrasts correspond with distinct rights and duties. Individual happiness and public order are everywhere promoted in proportion to the re-

¹ See the strange development given, in support of this assertion, by one of the reporters of the decret of September, 1791. (F.)

spect paid to the different parts assigned to the two sexes, in conformity with the laws of nature and the usages of prosperous nations. On the contrary, they are everywhere diminished when the two sexes are placed upon a strict equality. In the troublous times in which we are living, this prejudice often proceeds from a generous sentiment. One would wish to withdraw woman from an oppression which might seem inseparable from keeping her in a state of legal inequality. But this injudicious solicitude always runs counter to the object proposed by the innovators. The most certain result of the action of these pretended reformers would be the endowment of woman with rights, useless and injurious, and to deprive her of the most precious privileges. It is thus, for example, that in mingling woman, as now proposed, with the affairs of the government, commune, province, and State, they would disorganize her ministration at the domestic fireside, that is to say, the true sphere of action for the mother of the family, and the true source from which her great influence is derived.² It is more especially in what concerns the regime of labor that these innovations have proved most disastrous. By exciting the woman to become the rival of the man and dispute with him about wages, one of the most essential of the six usages has been destroyed to the great detriment of communities (§ 25). Women have been subjected to the greatest physical and moral tortures;³ children have been abandoned, and men, after a hard day's work, have found neither repose nor comfort at a cold and desolate fireside.

Among people enjoying freedom and prosperity, there exists between the two sexes a judicious division of duties to be performed within and without the family home. In

² *La Réforme Sociale*, i. p. 352.

³ See, in particular, the following works: — VILLERME, *Tableau de l'état physique et moral des ouvriers*. J. SIMON, *L'Ouvrier*.

principle, man everywhere commands, while woman, through the influence of her incomparable graces, rules over all social affairs in which her taste and devotion lead her to interpose. But, as stated in the Bible, this grace and authority belongs only to the chaste woman.⁴ The constitution which guarantees authority to man, should at the same time enforce respect to woman; so that the inequalities of the sexes may be brought to conform with justice. The supremacy yielded to man in civil affairs involves his responsibility in case of seduction. According to the spirit of all the constitutions which secure prosperity to nations, the woman is regarded as too feeble and confiding to protect the welfare of the family against the irregularities and aggressions coming from without. In this same point of view, she should not be left without some protection to defend her honor against the artifices of libertines or the force of the passions. And, since the ascendancy of woman is especially derived from chastity, it is but simple justice to protect against fraud and violence all that possession which, to her, is beyond all price.

Among the sensible people referred to, the honor of their daughters is regarded in the same light as the feebleness of infancy, and placed under the guardianship of law and the protection of the most worthy men. He who commits an offence against the sex is, in the opinion of every one, guilty of an act not only culpable but dishonorable. When complaints are made by seduced girls, they are always heard with attention, and, when recognized as legitimate, the culprit is subjected to summary punishment. With the North Americans, in particular, the opinions of the magistrates and the usages of citizens clash singularly with those prevailing among the Latin races. One cannot, for example, too much admire the protection given to women who are accidentally thrown beyond the limits of

⁴ *Ecclesiasticus* xxvi. 16, 19.

the fireside, or deprived, by some unlooked-for event, of the protection of some of her family. In France, the woman found travelling alone is often exposed to insult; among the Anglo-Saxons, she can always count upon the protection of the public, and even upon respect from men of the most common class.

§ 49.

NINTH OBJECTION:—RESPONSIBILITY IN CASES OF SEDUCTION EXPOSES THE WEALTHY TO OPPRESSION AND INJUSTICE.

In support of this ninth objection, special reference is made to the abuse to which this reform might lead. From the point of view assumed by opponents, the right given to girls to prosecute their seducers would expose many respectable men, especially those of the wealthy and influential classes, to unjust accusations. It is therefore wise to prevent, as far as possible, all disputes, which for lack of evidence can rarely secure reparation to pretended victims, and which for the accused are always painful trials.

Upon this subject, the North American legislators have adopted views the very opposite of those maintained above, which views are established upon the principle that the organization of the family, and consequently the general order of society, depend upon a scrupulous observance of the sixth and ninth commandments. In all the opportunities which have been offered to me, I have endeavored to obtain light from them in regard to the value of this objection. The answers I have received from them may be summed up as follows:

The objection evidently applies to all acts which, at present, are suppressed in the name of the public interest. The penal laws have doubtless sometimes led to the persecution of the innocent; but they are still necessary in order

to maintain the distinction between good and evil, and exercise a restraining influence over manners. Now, under this double connection, the intervention of law is more opportune to seduction¹ than to any other offence. If therefore we admitted the objection in this particular case, we should be logically led to adopt it in many cases where violation of the Decalogue exercises a less injurious influence upon social order.

This consideration applies itself to certain offences committed against the rights of others, which, like seduction, by violating one of the ten commandments, have a character less corrupting.

In this point of view it is illogical to repress violation of the lesser obligations, and regard it necessary to leave seduction unpunished. It is equally unreasonable to punish a multitude of acts which in their nature are but little corrupting. Thus, for example, the bankrupts, who, in France, exercise a repressive influence upon authority, are elsewhere almost tolerated by Custom. Nevertheless, we seldom see but one society, in which this tolerance reigns, fall into complete disorder. A superior class always carefully maintains itself, and stands ready to second the action of the governing class when they comprehend the necessity for a reform.

In France, it is different in regard to seduction. This vice has invaded all classes of our society, and consequently assumed such a formidable character as to render its reformation extremely difficult. The rich and influential men have been the authors of this social evil. These seduce young girls placed under their care,² and, aided by the most corrupt auxiliaries,³ seek out for others.⁴ They sub-

¹ MONTESQUIEU, *Esprit des Lois*.

² VILLERMÉ, *Table de l'état physique et moral des ouvriers*.

³ *Ibidem*.

⁴ M. Alexander Dumas, Jr., who, in several of his works, has depicted the manners of courtesans, has lately strenuously insisted upon the ur-

sidize legions of courtesans recruited from among the victims of seduction. Having become the sport of women who revenge the wrongs to which they have been subjected, they ruin themselves for them, and under the influence of their caprice make use of all the power they possess in the city and in the State (§ 31, n. 9). These irregularities, rising up from every direction, excite a reaction among

gency of a reform which would protect the honor of girls and the offspring of seduction as effectually as other existing laws protect material property. I shall particularly bring to notice the following passages :

"If man be the feebler sex, let him avow it, and let the women govern the empire and fight its battles."

"The day when it shall be publicly proclaimed that the honor of a woman and the life of an infant have values like a dozen dishes, or a rouleau of gold, men will look at them through the windows without daring to lay hold of them, and the thought will be to possess them, not to rob them. In place of dishonoring girls, they will espouse them; in place of making them victims, they will make them companions. From the condescension of laws springs the freedom of manners. How have you been able to establish the great difference between material property and the honor of your girls, sisters, and wives, — of all women, indeed, — to the great disadvantage of these? To do so, you must have been either blind, or wicked, or fools."

"My methods are impracticable? Then find some others, and I will only look at the results. But be quick about it, for the house is on fire."

"You do not wish to? You will find that *this* may go as well as to *that*; and, provided one occupies himself with men — who, when not looked after, will make revolutions — all is for the best in the best possible of worlds. *Va bene*, let us be gay! *vive l'amour*! Let woman alone to do as she pleases, and in fifty years or more, our posterity — will see what remains of the family, of virtue, of morality, and of marriage in your beautiful France, the cities of which all have grand streets, and all places, squares, in the middle of one of which there may be raised a statue to *Vérités inutile*." (*Theatre complet*. Paris, 1868. t. i. p. 46.)

M. Alfred Assolant has, in a humorous style, equally treated this grave question, in the periodical press (§ 18, n. 9), and in his works. See particularly, *Le Droit des Femmes*, pp. 37 to 49.

These sentiments are found at the present day among very many writers, who occupy themselves more in amusing the public than in reforming manners. In connection with this subject, I see a happy contrast spring up between our epoch and that in which Voltaire speaks of the first irregularities of Louis XV. as the aurora of the reign of justice and of felicity. The governing class should take account of these symptoms. There would, in fact, be little wisdom in allowing themselves to be anticipated in this part of reform by light literature.

the respectable classes of women. These admire and envy the splendor displayed to their sight, and make efforts to remove the distinctions in dress and manners by which the victims were formerly distinguished from the respectable class.⁵ In the midst of our frivolous habits, the good sense of the public seems conscious of the dangers to which this condition of things must lead. The popular songs and caricatures, as well as the more serious writings, now take part in exposing the irregularities and excesses of women,⁶ as, after the revolution of 1830, they pointed out the cynical manners and vulgar sentiments by which men were invaded.

Under these circumstances, the intervention of law could not fail to be attended by advantages. The cases of seduction originating from these social irregularities would become more rare, the rich who live openly in disorder would be particularly exposed to accusations, and for this reason would impose upon themselves more restraint. Those who truly lead a virtuous life would take more care to avoid the public places, so numerous among us, where the different classes of society are mingled. Moral order, restored at first only in appearance, would finally become established in universal opinion.

As to the means of suppression,⁷ recourse might be had to one or the other of the regimes which are vigorously maintained by our rivals. In the first place, seduction would be viewed as an offence, and the seducer subjected to pains and penalties. In the second case, it would only

⁵ This trait of manners has been finely expressed in many of the popular caricatures of M. Daumier.

⁶ Opinion of the Procureur-General Dupin, upon the unlimited extravagance in dress indulged in by women. (*La Famille Benoiton*, par M. V. Sardon.)

⁷ M. Albert Gigot, advocate and counsellor of State at the Court of Cassation, has published an excellent report in relation to this part of reform, which may be read to great profit. (*Les ouvriers des deux Mondes*.)

be regarded as an injury punishable at the discretion of the magistrate, by a levy upon the fortune of the seducer. To this effect, the legislature, in order to establish the basis of reparation, should abrogate article 340⁸ of the Civil Code, and thus give seduced girls the benefit of article 1382.⁹

I do not wish to conceal my belief, that such a reform would be slowly accomplished in a country where public opinion, led astray by the influence of an unhealthy literature, glorifies seducers, persecutes the girls seduced, and ridicules husbands who have been dishonored by their wives. I am also aware that our magistrates, in taking the facts into consideration and exercising discretionary power, have been led to make very different decisions from those which would in such cases be made by the magistrates of Prussia, England, or America.¹⁰ But these considerations still go to establish the propriety of a system of reform which would not impose the initiative steps upon the public authorities, and which at first might be only very slightly modified by jurisprudence. Opposed by the most influential men, such a reform could bear no immediate fruits. But it might, nevertheless, be gradually brought about, in proportion as the slow operation of law tended to assist the nation in recovering a correct sense of morality.

In every community which has become corrupted by the bad influences exerted by wealth, the seduction of poor

⁸ Art. 340. Search after paternity is interdicted. In case of rape, when the time of the rape corresponds with that of conception, the ravisher, on demand made by interested parties, may be declared the father of the child.

⁹ Art. 1382. Everything whatsoever done by man which causes damage to another, obliges that one by whose fault it came to repair it.

¹⁰ Nevertheless, our magistrates have sometimes shown a disposition to follow the examples set by our rivals and the traditions of our ancient tribunals. The contradiction which exists between the theory set forth in 1791 (F) and the opinion of respectable men, has in certain cases led to the compensation of victims of seduction. Many competent men have assured me, that the justice dispensed in some of our tribunals is, in point of reform, already in advance of the law.

young girls has always been a serious symptom of decline. Politicians who in our times are agitating the State to confer rights upon the poor which are of little use to them, show themselves very inconsistent by not making the rich responsible in matters of seduction. This indifference for the good in connection with the passion exhibited for making pretended reforms, is at bottom one of the most deplorable traditions of the absolute monarchy, and of the revolution (§ 17).

In the course of my travels, I have often witnessed the mental tortures inflicted upon poor mothers by the unfortunate condition into which their daughters had been brought when compelled to leave their firesides in search of labor. I have also been deeply impressed by the bitter hatred entertained by the poor against the rich in consequence of their habitual practice of seducing poor girls. These observations have led me to promise to give all my efforts towards obtaining some remedy for this shameful vice. My efforts will be amply repaid should I succeed in drawing the attention of some of my influential fellow-citizens to the urgent necessity for this reform.

CHAPTER VI.

DIFFICULTIES AND THEIR SOLUTIONS.

§ 50.

REFORM IS ESPECIALLY RETARDED BY FALSE NOTIONS
ENTERTAINED OF GOOD AND EVIL.

DURING the existence of a state of disorder and antagonism, which through the two last centuries (§ 17) has been incessantly increasing, many men still remain ignorant of the nature and strength of the obstacles which retard reform. Believing that the corruption of society is past remedy, many fall into despondency; others, who trace the origin of corruption especially to the defects of government, seek for a remedy in new revolutions. These impressions, more or less applicable to the past, are however but little so at the present time. Under the ancient regime in decline, the depravity of the governing and coalition of the privileged classes have, it is true, obstructed reform. But since the revolution, France has had ten opportunities offered when she might have readily accomplished reform. On all these occasions the hindrance has especially come, not from corruption, but from error,¹ and the most dangerous forms of error have always been propa-

¹ "Commencing with the Evangelists and ending with the *Social Contract*, all revolutions which have changed the general condition of society, favorably or unfavorably, have had no other result than to set forth great truths or propagate great errors." (De Bonald, *Théorie de Pouvoir*.)

gated by honest men impelled by excellent intentions.³ In 1848, for example, very good men rose up in all directions for the purpose of establishing society upon its eternal basis ; but they became divided in their opinions in regard to the measures necessary to complete the edifice. Reform will be impossible so long as our enlightened classes cannot agree upon some essential principles, similar to those adopted since 1815 by certain prosperous nations, more especially the English, Prussians, and Russians. When the distinction between good and evil shall be re-established (ch. i.), conformably to the lessons of history (§§ 12 to 27) and the opinions presented by the Social Authorities (§ 5), they will rise up again spontaneously.

Good and capable men, ready to devote themselves to reform, abound in all ranks of agriculturists and manufacturers. Many of these have preserved the most commendable spirit of patronage, and thousands of the working class still retain those virtues which, under favorable direction, would readily restore the usages of Custom (§ 19) to the family fireside. Unfortunately, the majority of both classes, imbued with a spirit of antagonism, persuade themselves that their several interests are opposed to each other. This opinion is most common among the workmen, and these tend more and more to form themselves into a class not only hostile to proprietors, but still more to all social order. Nevertheless, the fallacy of this opinion is demonstrated by the prosperity of all establishments faithful to Custom. These, for example, have always withstood those commercial crises brought about by international arrangements. The manufactory where harmony exists between the owner and his workmen enjoys a stability which secures it against all the formidable forces brought against it

³ "There is nothing more dangerous than good bad books, that is to say, bad books written by worthy but misguided men." (Joseph de Maistre, *Ouvres et Opuscules*.)

by events calculated to disturb the welfare of families and the prosperity of nations. The disturbances now occasioned by the feelings of hatred entertained towards them by the working-classes, are less the first cause than the consequences of evil. Should experience and reason combine to establish true ideas of truth among the intelligent classes, and Custom in the manufactories, the disorders will gradually come to an end.

The more I study France, the more am I convinced that our severest trials do not come from the selfishness of wicked persons. The principal sources of evil are from the error and pride of prosperous individuals, who, without regard to personal interests, have been desirous of seeing their country prosperous. We cannot be too deeply penetrated by this truth, for it is one of those which is the best calculated to save us from fallacy and discouragement.

§ 51.

THE RETARDATION OF REFORM IS OWING TO SIX PRINCIPAL DIFFICULTIES.

The ancient regime in decline and the revolutions of our times, by disturbing interests and giving rise to dangerous excitements and mental aberrations, have deeply shaken the foundations of society at large. They have disorganized most of the manufacturing establishments by compelling them to abandon the essential usages prescribed by Custom (§ 19). They have, in fine, weakened the influences of those classes of society, and professions, which at the epoch preceding reform (§ 16) had contributed most to restore the reign of good.

Nevertheless, France has not fallen so low as other nations drawn into similar decline, and she is even far from having reached the last degrees of evil. Material and intellectual order have not been so seriously affected as moral

order. She may even yet be considered as intact, provided some of those great catastrophies which visit us periodically do not afford opportunities for the development of vice. These salutary advertisements may in the end produce good results. That intellectual activity which has been so often thrown away may, sooner or later, employ itself in searching out the obstacles which, for the last twenty-five years, have incessantly interposed to prevent the establishment of stable order. Among the classes devoted to the liberal arts, one may already see many eminent men who, by their discourses and writings, make honorable mention of the sacred traditions preserved in the best establishments of labor (§§ 19 to 25). At present there exists some chance of being heard in pointing out the six chief difficulties which obscure the truth and leave us undecided in regard to good and evil. On this subject I shall often have occasion to insist upon those considerations to which I have so often referred in the preceding chapters. Afterwards I shall deduce some practical conclusions in regard to the best means of effecting reform without recourse to new revolutions.

§ 52.

FIRST DIFFICULTY: — THE SPIRIT OF REVOLUTION AND CONTEMPT FOR NATIONAL CUSTOMS.

The spirit of revolution inculcated in our race by circumstances to which I have already referred (§ 17), has in a short time completed the work of destruction commenced in the ancient regime of decline. It has deprived France of those forces which she formerly possessed in good and in bad epochs, to organize local government and mould the habits of private life, in obedience to customs and in respect to authorities derived from God, and from human institutions.

The revolution has cured few evils, but given rise to

many. By violence and instability it has brought us back to those habits for which the worst epochs were distinguished (§ 13). Many other nations have doubtless suffered from the mobility of their institutions, but it is only in France, since 1789, that a man in the course of an ordinary life has been able to see the principle and personnel of sovereignty changed ten times. As a natural consequence, no other period of our history has given rise to so many successive derangements. Each catastrophe has excited passions and interests to which many men have subordinated everything, even truth itself. Generous hearts and well-disposed minds have gradually become imbued with the errors existing in the medium in which they were brought forth. Perverse and corrupt minds, however, constantly assume the initiative in the error and hatred manifested by rival parties. In the contests of the present day there is no longer seen, as in our ancient discords, two principles or two interests contended for at the same time. Our present dissensions, however, are connected with a multitude of incomprehensible causes, and whenever they are prolonged, degenerate into inextricable confusion. The prevailing opinions, however contradictory they may stand to each other, all agree in one point — the necessity for a new revolution.¹

The revolutionary spirit has also become greatly devel-

¹ The spirit of revolution is not confined to the lower classes who have lost the security, with other advantages derived from Custom. Owing to numerous causes, it is entertained in the breasts of the upper classes, especially by those coveting the high positions which are multiplied by our excessive centralization. I one day engaged in a friendly discussion with a person who, under a former administration, had occupied an elevated position. He exhibited moderation in his views, and dwelt particularly upon the evils inflicted upon our country by incessant revolutions. He however believed in the necessity of the arrival of another revolution which would bring to him the advantages due to his long services. The counterpart of this whim is exhibited by the inconsistency shown by certain functionaries, who, living in the enjoyment of wealth and influence, consider as factious all those who demand reforms.

oped in private life. It has not only, as I have already explained (chap. iii.), disorganized most of the places of labor, but, stimulated by two institutions of the Reign of Terror (E and F), it regularly saps the foundations of religion and family property. The compulsory distribution of this, effected by the right of equal inheritance for children, destroys, as in the case of savages, the regard due to the old parents (A), and by giving rise to innumerable lawsuits between the co-heirs, in all classes, breaks up homes, and sunders family-ties (D).

The revolution, by destroying the authority of Custom, has inflicted a severe blow upon the constitution of the country. In all things relating to property, the family, and local government, citizens are deeply interested in establishing for themselves all institutions and regulations which contribute most advantages to their race, their times, and their localities. They are also most inclined to respect institutions which modify themselves imperceptibly, according to the necessities of each epoch, and which in most respects are in conformity with the wise precepts of times past.³ For these two reasons, customs are not firmly established in social constitutions where an alliance between authority and liberty does not exist. By attempting to formulate customs, our ancient legislatures have deprived them of their true spirit. By destroying them, our revolutionists have deprived communities of a very simple but efficacious method of counteracting evil and accomplishing reforms. And if a close examination be made of the details of our social constitution, it will be found that the

³ "In respect to manners, there is much to be gained by holding to ancient customs. People, when corrupted, rarely accomplish great things, and have seldom established societies, founded cities, or given laws; while, on the contrary, those whose manners were simple and austere, have accomplished most of these great objects. To recall men to ancient maxims, is generally to bring them back to virtue." MONTESQUIEU, *Esprit des Loix*.

love of humanity (§ 18, n. 13), patriotism, politeness, good nature, and the whole amount of good traditions handed down to us during centuries, relating to the family fireside, without any intervention of legislation, constitute the most precious institutions pertaining to our race.

It is especially in what relates to the idea of authority that the minds of our revolutionists have gone astray. It is in regard to this particular point that we are every day brought to contrast the situation of France with that of more prosperous nations. Among the nations which in the two worlds are regarded as models, all their institutions serve to engrave upon hearts, respect to parents, to God, and to woman. These influences are impressed upon each individual from birth, and they successively lead them to respect the mother who develops their first thoughts, the teacher who initiates them in knowledge, the minister who instructs them in morality, the master workman who directs their labors in the manufactory, and lastly the magistrate who has been raised by his talents and virtue to the honors and duties of the local government. These powers, both private and local, so long as they conform to the height of their mission, derive their force from the obedience and attachment of their subordinates. These likewise regard it as a duty to show on all occasions their deference to men who govern the State. It is in this way that a society, showing reverence to God, exhibits more and more obedience to all authority, from that of the father to that of the sovereign. In view of this chain of causes and effects, it may be seen that France, in revolting against God, and destroying the most legitimate influences, has succeeded in inculcating in the minds of her citizens that hatred of authority for which she is so particularly distinguished at the present day, and which prevents her from adopting any system of social order.

§ 53.

SECOND DIFFICULTY:—SUPPRESSION OF THE SOCIAL
AUTHORITIES.

The feudal epoch, the crowning glory of which was the admirable agricultural and manufacturing organization of the thirteenth century (§ 14), equally assimilated the other elements of welfare, stability, and harmony, which, up to the present day, maintains the superiority of Europe. Feudality especially established two institutions necessary to all free and prosperous nations. It instituted, even in the smallest subdivisions of territory, those Social Authorities (§ 5) which carried out the six usages of Custom in the places of labor (§ 15). It had conferred upon these authorities the care of the local government;² thanks to their ascendancy, public peace was everywhere established, and there was seldom any need, on this account, to call upon the sovereign for the assistance of an armed force. Nations who enjoy the highest degree of prosperity and freedom are those which have the good sense to preserve these mild and salutary influences in each locality. Unfortunately, the royal and popular tyrannies which have existed during the last two centuries in our country, have applied themselves incessantly to diminish, when they were not able completely to destroy these influences.

This disorganization of our society had its origin in the system of excessive centralization inaugurated in Spain, in the sixteenth century, by Philip II., imitated by the last Valois (§ 16), aggravated by Louis XIV. and his successors, developed even to absurdity by the government of Terror,³ and finally ameliorated but still preserved by the govern-

² Second report of the Council of State upon the commerce of wheat, flour, and bread, by M. F. Le Play, Counsellor of State.

³ *La Réforme Sociale*, t. ii. p. 196.

ments succeeding the revolution. This system was everywhere recognized by two principal characteristics. It annulled, so far as possible, the natural authorities established upon the affection and respect of communities. It instituted in their place factitious authorities (§ 54), strangers by their habits, and often by their language, to the interests and sentiments prevailing in localities. This system of local government has its most dangerous model in France, which pursues a course contrary of all the rules laid down by prosperous nations, in conformity to experience and reason. It refuses the moral guardianship of the country to men who — thanks to the salutary influence of labor — live the most virtuous lives. It intrusts its guardianship to those who, having for their special function the governing of people, have during all times proved themselves most accessible to corruption. Furthermore, the revolution has not limited itself to destroying the influence of the Social Authorities in the local government; but, to outdo the ancient regime, it has taken away testamentary liberty, and thus deprived the authorities of that social ascendancy which was attached to the system of integral transmission of the family fireside and manufactory of their ancestors.

The governments which have committed the sin of bringing these local autonomies to destruction, have generally expected their own authority would be increased by it. But the event has never justified this anticipation. When prepossessed in favor of the government, the Social Authorities make use of their personal ascendancy to maintain obedience in the population, and create in the minds of these a high opinion of the sovereign in whose name they exercise authority. On the contrary, the factitious authorities having charge of local governments in regimes of excessive centralization, take no account of the influences exerted for the preservation of public peace, except what comes immediately from themselves, lest they should com-

promise the authority intrusted to them by their sovereign. The Social Authorities sometimes blame the sovereign, but always come to his support in times of trial. The factitious authorities stand in an opposite position. They can neither criticise the government when it is strong, nor support it when weak. These truths were strikingly illustrated by the events of the revolution in 1789. The only local powers which then exhibited fidelity to royalty, were those which had succeeded in defending a remnant of autonomy against insane wickedness. They have been still more confirmed during our last revolutions. Owing to the organization of the local powers made by our last governments, as soon as these have been overturned in Paris, they have in fact been abolished in all our territory.

Many local Authorities still exist in France corresponding with the definition I have given in my first chapter (§ 5). These Authorities maintain their places of labor in a degree of perfection which has been demonstrated in our universal expositions (Q). More than any other class of society, they contribute to the material interests of our country, that is to say, the only advantages which in our time create general sympathy. They possess the affection and respect of their co-laborers, and cause comfort and happiness to reign among them. They are, in a measure, in all eventualities, in localities placed under their immediate influence, the securities of public peace, that is to say, the most reliable symptom of the existence of true prosperity. They preserve the best social usages in regard to everything connected, not only with the regime of labor, but still more of religion, property, the family, and all which contributes the best elements of private life. In fine, in these various points of view, the Social Authorities existing in France and other countries, give that unanimity of opinion which is everywhere considered the *criterion* of truth. It was from them that I received instruction during a quarter of a century,

and acquired that confidence which sustains me in reacting against the errors prevailing in the medium wherein I am now living. It is also from studying their words and actions that I have been made to understand how the ancient regime and the revolution were led to take a wrong road. We shall continue to wander, if we longer persist in refusing to our local governments that influence which is promoted among the Anglo-Saxons in England and the United States, in Scandinavia, Germany, the Swiss Cantons, and Basque Provinces.

These unfortunate usages of government, after having successively ruined the ancient regime and the revolution, now more than ever tend to disorganize our society. Some of our Social Authorities have, little by little, sought in public life for a portion of that influence which is not formally refused to any citizen. These eminent men, who are now so much excited by the spur of competition, should moderate their labors, carried on without relaxation, and give some daily attention to men and to things. In the enjoyment of fortune gained through labor, satisfied with the consideration attached to the management of their rural or manufacturing estates, they do not appear much inclined to neglect these interests to fulfil at the capital the functions so envied, and for which they are in few respects prepared. In the absence of the small local autonomies, which with a people enjoying freedom are the nurseries of the governing class (§ 68), they have had few opportunities of acquiring the art of speaking and writing, an art so difficult that it may be said to surpass all other qualifications necessary to the statesman. As to those who for some special reason have attracted to the press and public meetings, they have generally been turned back by obstacles which have existed up to the present times. Under these circumstances, the Social Authorities have seldom met with much success in their attempts to attract

publicity. They possess neither the passions which instigate party politicians, nor the subtilty which gains access to the ruling class. They therefore find themselves excluded from most of the offices where their influence might be exerted, and they withdraw themselves in proportion as the burdensome duties connected with our ancient constitutions are replaced by lucrative prebendaries. Since the fashion styled democratic (§ 60) has developed itself, these authorities have more than ever shown a disposition to confront the difficulties growing out of popular suffrage, and the combinations of those who are in favor of it.

In conclusion, the corruption of the ruling class and disorders incident to revolutions have during two centuries incessantly tended to reduce the number and influence of the Social Authorities. Thus are those forces destroyed which in good social constitutions resist the invasions of evil and lead back men to the good. The reform which we have vainly looked for since 1789, would soon have been accomplished if the governments issuing out of the revolution, breaking away from the traditions of the preceding regime, had left to the State those natural authorities, to perform the part too often assigned to legislators and government functionaries.

§ 54.

THIRD DIFFICULTY :—THE EXCESSIVE INTERVENTION OF LEGISLATORS AND FUNCTIONARIES.

Legislators and functionaries perform important parts in a good social constitution. They will have rendered a great service to our country when they have confined themselves to the natural limits of their professions. Unfortunately, they have often gone beyond them, in France more than anywhere else, by discarding the ancient traditions and present usages of free and prosperous nations.

In doing so they have greatly assisted in producing the invasion of evil, and in our days they still contend against, rather than promote the cause of reform. The abuses to which I refer are products of the past, and still operate in different degrees under three principal forms.

The first error in the order of time, has been the systematic diminution of the private and local liberties of the Middle Ages. At the head of these natural liberties, our ancestors of that epoch—like all free people of the present day—conferred upon citizens the right to regulate among themselves all matters connected with the special interests of individuals, families, parishes, city communes, and rural departments, that is to say, all those privileges which do not interfere with the general interests of the province and State. This law, liberally carried out during the great epoch of the organization of Christian Europe (§ 14), gave origin to two local customs which exerted a moral authority over the people far greater than the written laws in our times. These customs were, in fact, created by individuals, families, and the local autonomies. They accommodated themselves spontaneously to changing necessities, and, as a consequence, they gave no occasion to those contests of all kinds which result from laws affecting private interests, applied by a great empire. They are at the same time an evidence of the existence of private liberty, and furnish infallible means for securing public order. In spite of the resistance made by the people, the legislators, with the support of their sovereigns, began to codify the customs of the great epoch of prosperity (§ 14); they accomplished the greater part of their work during that epoch of decline which ended in the fall of the last of the Valois (§ 16). They nearly finished it during the revolution and Consulate, and they endeavored to force its continuance until they had destroyed every vestige of local autonomy. This object will indeed be completely attained, should the

rural Code be one day promulgated with that extension which some persons have desired.¹ In formulating the customs, the legislators have taken from them their chief quality, nobility; they have arrogantly assumed the functions of legislators to despoil citizens. They have committed an offence against the most necessary civil liberties, and destroyed the best germs of political liberty. Deprived by these wrongs of the right to govern the family and the parish, the citizen soon loses those aptitudes developed by the exercise of his rights. For a still stronger reason he has become incapable of governing the province and the State. This is the sad result which the work of the legislators has specially brought about. The more their work advances, the less prospect will there be for citizens to accomplish any reform through their own initiative. This want of power increases at the same time that the necessity of reform is more sensibly felt. It has for its result, the incessant development of the spirit of revolution.

The second abuse has for its principal origin the corrupt epoch of the last of the Valois (§ 15). It is the child of that prejudice which has ever since prompted most sovereigns to extend their power beyond measure, and which has, in fact, led them to the catastrophes of the present era. It has spread itself with that unfortunate policy which has destroyed the local and provincial liberties, which has spoliated through violence and fraud the small nations, and attached them to their great States, which has, above all, led kings to set up the delusive pretension, — that of being able to provide for the happiness of all their subjects, in

¹ This is what must necessarily happen if the legislature attempts to regulate throughout all France, what local customs have so perfectly regulated up to the present day. It would, for example, be a cause for regret, should the law abrogate the local liberties created by the ancient regime and respected by the Civil Code (Art. 971), establishing uniformity as to the minimum distance which must be kept between the plantations of one estate and the bounds of another.

small localities, and even in private life. This manifests itself in France more than in any other country, by the multiplication of public officials and the increase of taxes. At the beginning of this enterprise, in an epoch when the art of oppressing the people had not attained that perfection which it has reached in our own days, the last of the Valois solved the problem by organizing, for a fiscal purpose, the creation and sale of public offices. This financial system rested upon two combinations: By one it compelled citizens to submit, in their private accounts—as, for example, those for the sale of any goods or commodities—to ruinous regulations for all interested, and useless for the maintenance of social order.

On the other hand, it gave to the treasurer, by the sale of these rights of control, receipts increased in proportion to the straitened circumstances of the citizens, and subjected others to heavier taxation to the profit of the new functionaries. Nothing has contributed more to develop in France a hatred of the governing class. These, in order to preserve this source of profits, have been obliged to tolerate a multitude of extortions committed by officers of justice and finance, one of the plagues which existed in the ancient regime in decline. The revolution abolished these officials by bankruptcy, and to replace this system of imposts, resorted to a still more condemnable process—confiscation. The empire, by organizing a good financial system, had truly the credit of definitively suppressing this kind of abuse. Unfortunately, it believed itself capable of re-establishing public officials by gratuitous titles, whose duties were to co-operate by means of an official tariff connected with forced division, in the destruction of the system of family heirs (*des familles-souches*). In the imperial system (K), these families were to be replaced by newly established stable families founded upon *majorats*, and the functions of ministerial officers could only have a transient

existence. This projected social organization has never been realized. The *majorats* have been abolished by the vicissitudes of our revolutions; forced partition has been imposed upon all families; and as a consequence, the profits of the privileged officials have never ceased to be increased. These profits acquire every year larger proportions, thanks to the liquidation of a hundred thousand inheritances, and to the conducting of twenty thousand lawsuits (D). Here exists the principal difficulty which obstructs the way to one of the three essential reforms (§§ 35 to 46). The governing class has, in equity, if not in strict law, the protection of commerce through officials appointed in accordance with the regime of constraint instituted by themselves. They cannot take away from citizens the right of testamentary freedom, without greatly reducing the products of ministerial places. Those who have attempted to reform this always increasing abuse, have suffered from coming in contact with the same obstacles which they have had to conquer under the ancient regime.²

The third abuse is the incessant extension of the *bureau*-

² *La Réforme Sociale*, t. iii. p. 307. When the epoch of true reforms shall have arrived, when, instead of changing incessantly the forms of sovereignty, our attention shall be directed upon the affairs of private life and local government, we shall soon be convinced that the social disorders emanating from the creation of ministerial officials are no less now than they were in the time of Sully. Those who may be interested in this difficult reform, I refer to an example showing the advantage derived from an inquest upon the fraudulent manœuvres resorted to in many places in regard to proceedings connected with the sale of immovable rural property. These manœuvres bear heavily upon the small proprietors for whom the revolution has manifested a solicitude more blustering than real. A similar investigation undertaken with the concurrence of former ministerial officials, would reveal instances of corruption singularly disgraceful to the national character. This corruption spreads itself, more and more, beyond the medium from which it derived its source. I have known persons belonging to the upper classes lend themselves to the commission of frauds which bring them in strong contrast with the loyal habits maintained by families of the same rank forty years ago. In my youth, I have seen what I now seldom find to-day, men who, having something to dispose of, had but one consideration,—that of concealing its defects from the customer.

cracy, that is to say, the multiplication of irresponsible agents paid out of the public treasury. I have elsewhere described the origin and successive development and present characteristics of this institution. I have also pointed out the evils derived from them, and the remedies which should be applied to them. In reference to the regime of labor, the principal inconvenience comes from confiding to these functionaries a multitude of duties which among free people are most advantageously performed by the citizens themselves. To this category of powers there is added, for example, subsidies, encouragements, and mediations of all kinds tending to promote the interests of agriculture and other industrial arts in each locality. These services, when confined to agents who receive no profit from the results, generally furnish a poor employment. They are always obstructed by obstacles which vanish under the direction of men who have some interest in exerting their best efforts to attain success. Here, however, I ought to prevent a misunderstanding to which this summary *exposé* may give rise. The reform necessary to France does not, as a necessary consequence, contemplate the reduction of magistrates and officials existing at the present time. Far from this, it would confer upon these the legitimate influence which they acquire among free nations, and disembarrass them from powers and privileges which compromise them in the present day. Thus, for example, by abrogating definitively in our jurisprudence an unfortunate condition laid down in the constitution of the year VIII,⁴ it would efface from public functionaries that bureaucratic characteristic which humiliates them.⁵ This would place them in the high position which

⁴ Decree of the 22d Frimaire, an VII, article 75: "Agents of government, other than the ministers, cannot be prosecuted for any acts connected with the performance of their functions, except by virtue of a decision of the Council of State."

⁵ This remark is, for example, applicable to skilful functionaries

the principle of responsibility accords to them, as we see in England among all degrees of the class connected with the government. By increasing the importance and compensation of the new offices, the reform would considerably reduce the number of magistrates and functionaries, but it would respect all the rights acquired. Those people incessantly occupied in combating corruption by reform would distribute compensations and preserve more or less the integrity of the salaries to those who do not immediately find in the new organization advantages equal to those which they had formerly enjoyed. I have elsewhere insisted upon this fundamental principle, and often assured myself that it is no less conformable to reason and experience than to public interest and equity. The reforms which are most productive of good results are never specially directed against one class of people. They should give satisfaction to all the interests; they should at the same time raise the condition of citizens in private life, and that of functionaries in public life.

§ 55.

FOURTH DIFFICULTY: — THE ABNORMAL INFLUENCE OF MEN WHO MAKE PROFESSION OF SPEAKING AND WRITING.

The high attributes which confer superiority in literature, science, and other liberal arts,¹ are not much in accord with the qualifications necessary to attain the greatest success in the execution of the industrial arts.² The man endowed with such superior attributes does not feel inclined to fix his attention upon such topics as the common occupations of men and the investigation of subjects con-

charged with the duty of preparing useful documents for the public. These labors are published, in England, with the name of the author; in France, in the name of a minister who has never examined them.

¹ *La Réforme Sociale*, t. ii. p. 10.

² *Ibidem*, t. ii. p. 11.

nected with the interests of these. The art of speaking and writing, which exerts in our times such great power, is extremely difficult to acquire, and cannot be fully developed except through profound meditation and persistent labor through a long life. When, therefore, institutions do not expressly encourage the union of the two kinds of aptitudes, there will be almost an incompatibility between the talent necessary for the orator or writer, and that of the man capable of directing great enterprises or governing States. There will be equally a contrast in character between those who teach the advantages of reform and those who succeed in its accomplishment.

In the epochs of revolution when Custom lost its empire, when society ceased to give it assistance, when everything was contested, even the traditional relations existing in private life, the orators and men of letters generally exercised a grievous influence. They no longer felt bound, as in epochs of order and prosperity, to establish in minds the eternal ideas of truth. They left this domain to interest themselves in questions which excited their feelings, and thus often became auxiliaries to error. Having never been mingled with the common interests connected with the struggle, they possessed no sure standard by which these could be determined and appreciated. Condemned to doubt and anxious for success, they were more inclined to echo the passions of the moment than to react against unsettled opinion. Those who, since 1789, have during our political struggles domineered most over minds, have owed their ephemeral success more to the charm of manner than to the weight of the subject. The orators who in our assemblies have succeeded in giving the greatest eclat to the principles from which the present sufferings of our country originated, indulged in aberrations which would have disgusted the least of the Social Authorities (§ 5). Thus they often exhibited a common ignorance in regard

to usages, upon the influences of which the peace and prosperity of places of labor have in all times depended (G).

In truth, error in our days no longer presents those characteristics which shock us when reading the speeches and writings of the revolutionary celebrities. Incessant discussion in regard to public interests has diffused a certain amount of useful knowledge which was entirely wanting at the commencement of our era of discord. But the instruction derived from our political speakers and writers has been far less productive than what might be expected from similar efforts made in truly free countries. There, in fact, the small local autonomies are exclusively governed by the Social Authorities, and by those who show some superiority in directing affairs connected with the places of labor.

It is from these last that men spring up spontaneously in all parts of the country, who by the good examples of their lives, and the influence of their speeches and writings, will soon be called upon to conduct the affairs of the State. But in France it is otherwise. The suppression of local liberties, commenced by the ancient regime in decline, and finished by the revolution, the spirit of which has in some measure been instilled into the public manners of all the succeeding administrations, has led to the destruction of these true nurseries of statesmen. These can now be seldom enlisted except from among those distinguished in the literary and other liberal professions, that is to say, among men who by education are separated far from the great labors performed in private life (§ 67), and from local government (§ 68), or, in other words, from all which is connected with the main interests of the country.

The painful epoch through which we are passing presents a singular contrast which serves to explain why we meet with such incessant checks in matters connected with reform. Whilst men who practise the truth keep silent (§

53), those who speak and write the most are employed in propagating error !

§ 56.

FIFTH DIFFICULTY:—THE CORRUPTION OF LANGUAGE AND ABUSE OF FOUR WORDS.

The corruption of a national language often marches in front of the corruption of national morals. This applies strikingly to our own country and times. Our young students, abandoned to the irregularities of Parisian life, without any of that parental authority existing in every other European university, the better to conceal their misdeeds, voluntarily adopt the language of the degraded classes. Some fashionable ladies have fallen into the same habit. They commence, as it has been aptly said, to use the cant expressions of courtisannes after having adopted their costumes.

On the other hand, many men belonging to the ruling class, have, in the heat of public political discussions, introduced corruptions into our language, analogous to what has been done by those using the English language. This vice increases rapidly, and has already opposed serious obstacles to reform. The difficulty connects itself with one of the most imperious necessities of our time: namely, the representative system which is now being adopted in Western Continental Europe to remedy the evils caused by the loss of local liberties (§ 17).

The unhappy influence exercised by absolute sovereigns, aided by legislators, has incessantly operated to destroy the natural elements of representation created in the country and towns during the Middle Ages (§ 14). This work of destruction has been continued during the two last centuries, with the assistance of functionaries during the revolution, and still more by these during the monarchy (§ 53).

As matters now exist, the people have no representatives similar to those designated by tradition, and show themselves as little disposed as the men recommended to their suffrage, to continue an institution dedicated to public good. On the other hand, the social antagonism created by the abandonment of Custom (§§ 26 to 32) brings before them electors having very different opinions and interests. While waiting for the restoration of harmony through Custom, and afterwards the great natural influences exerted by good examples in private life (§ 67) and local government (§ 68), the return to a representative regime will necessarily be attended with some temporary difficulty. The people will be reduced to the necessity of forming an estimate of the merits of their representatives not from their acts but from their words. They will not confer their suffrages in consideration of local services and exemplary lives, but upon those who make specious declarations of principles and eloquent speeches. In this condition of society, the crafty candidate is the one who will best conform to their notions, and go less against their antipathies. In the midst of the present antagonism, the great art of obtaining public favor consists in gaining acquiescence through the charm of manner, to declarations in which the motives remain indecisive.

The corruption to which I refer is that of concealing the thought by artful words. It is this which renders the language of Chesterfield inferior to that of Voltaire. Unfortunately, as the elections held in our great cities in 1869¹ have shown, our fellow-citizens succeeded, through this

¹ These elections have not only displayed the art of concealing the thought in the speech, but have produced models of French cynicism. They have shown the loss of all the social principles of civilization, and on the occasion referred to, violent language was used which Frenchmen had never before been accustomed to hear, even in the worst days of the revolution. What has most astonished me in regard to the appearance of this new language is, not that it has been created by the passions of the ignorant, — it is that indifference shown by enlightened men who do not unite to combat it.

species of decline, in regaining lost time. They now even begin to excel their rivals in employing new methods, which in a society less disorganized might be considered unnecessary.

Opinions prevailing among us exhibit inconsistencies not yet known to the English, and which cannot be concealed even from the least attentive minds when a correct form of language is used. Thus, for example, no formula composed of words with definite meanings will satisfy at the same time those who believe in God and those who regard this belief as the principle of all degradation. But that which cannot be expressed by any arrangement of definite words, becomes easily understood when terms with vague meanings are used, comporting with the dispositions of those who read or hear them with the understanding that they are to be taken as meaning the very opposite. Many words are now made to subserve these manœuvres, and there are four of these, which, in the present inundation of error, have become particularly available for concealing the thought.³ Some, by pretending that a great many difficulties might be removed by a profession of faith made in the language of Descartes, will secure to themselves great majorities if they limit themselves to declaring that he is the candidate of liberty, equality, and democracy.

Such phraseology is rejected by people living in the enjoyment of benefits which these words express in their best acceptation. It is a real calamity to those people who are deprived of such benefits. It deludes some minds into paths of error, and tends to retard reform indefinitely. It secures to some party coalitions ephemeral success, but

³ The abuse of words is by no means a novelty. Zenophon alludes to it as practised at Athens twenty-two centuries ago, in an epoch of corruption very similar to that existing at the present time. In criticising the sophists, he said, "I reproach them with using in their writings mere words, while correct ideas suited to train young people to virtue shine by their absence. . . . It is not mere words which instruct, but correct ideas." (*De la Chasse*, chap. xiii.)

when the time arrives for explanations, it gives rise to recriminations and hatreds which furnish new elements of social antagonism. Considerations hereafter to be given upon the subject of these four words⁴ will demonstrate that, in future, they should be used with great reserve.

§ 57.

ABUSE OF THE WORD LIBERTY.

Free and prosperous nations secure to each individual, both in private and public life, all the independence he is capable of enjoying, even to his own detriment, provided he does not trespass upon the rights of other individuals, or the general interests of society. To such a regime the word liberty may be properly applied, and I have often used the term in this sense (§ 8). But, when we search things to the bottom, when we consider the restraints imposed upon every one by respect to social duties, we find that liberty, as just defined, has but a very limited domain left for the exercise of individual independence. When, however, without entering upon a definition of liberty, we employ the word to characterize a new social system without reference to any necessary restraints, we reflect upon the eyes of the people the charms of unlimited independence, thus propagating an idea as false as it is dangerous. Most men, in fact, show a persistent inclination for evil, and when they cannot exercise this upon others, they will even attack themselves, and quickly work their own destruction if not

⁴ To these four words, to which I have chosen to limit my subject, I might add others which could also be pointed out as vague and dangerous. Such, for example, are the words *civilization*, *modern society*, (§ 14), *association* (§ 20), etc. I am daily convinced that the French mind, supported by the pure literature of the grand age (§ 16), will not continue long in this rut. Thus, I have been pleased to find in a letter recently received (Nov. 19, 1869) from M. Dupanloup, the following expression: "Liberalism, progress, civilization, modern society, . . . vague and indefinite words, which say everything and yet say nothing."

restrained by a moral law which imposes itself more strongly upon their consciences in proportion as they become more free. But those who throw off the necessary restraints imposed by the moral law, to seek after a fictitious liberty, are very soon thrown into decline. Prosperity can only be secured by submission to the yoke, and, in truth, the most perfect state of liberty is but a regime of *moral restraint*.

Similar analogies are applicable to the family, and to social groups interposing between the individual and the State. For the various subdivisions of society, liberty has narrow limits, which always spread out in proportion as moral restraint exercises more empire over manners. As to the proportion of autonomy necessary for the best social constitutions, this must depend upon what experience has decided among the most free and prosperous nations who everywhere show us the proper bounds of liberty.

Those, therefore, who point to liberty as the source of all good, and as a principle superior to all others, even to that of the moral laws, commit a serious error. They, in reality, excite a war of interests among the people, and create a confusion of ideas. They provoke a general decline by perverting the minds of the least intelligent classes, that is to say, by giving them grounds for believing that they are at liberty to abandon themselves without scruple to all their inclinations not formally punished by law. Sad examples of this aberration are exhibited in certain Paris reunions since recently enacted laws have restored the liberty of the press and speech (I).

It has been often said that the disorders produced by imprudent declarations and the excesses of liberty, have, as a necessary corrective and infallible remedy, the authority of government. According to this theory, the government of society requires the simultaneous presence of two principles: that of liberty, which sometimes gives to people

all the most desirable pleasures; that of authority, which contributes the true basis of public prosperity. Authority is, at the same time, the source of the good, and the remedy for the bad produced by abuse of the opposite principle. But this kind of error is still more dangerous than that which points to liberty as the source of all good. It is also refuted by the events of the last three epochs of our history (§§ 15 to 17).

This confidence in authority might strictly be justified by reference to reforms which have been made among completely degraded races. Those savages who, in our days, have lost the most indispensable ideas of the moral law, can only release themselves from their abasement by submitting to the absolute authority of missionaries who bring to them the precepts of the Decalogue. For a century past, we have seen in the equatorial region remarkable instances of such regeneration, accomplished through the principle of authority. Nothing similar appears to have been produced among inhabitants of Western Continental Europe under the influence of Christianity interpreted by clergy worthy of their mission. Good has been especially propagated through the heads of families, private corporations, and local powers. The evil has usually originated more from the authority of sovereigns (§ 15), than from the liberties of the people. If, since 1789, the nation, in taking possession of itself several times, has not accomplished reform, it is because the new governing classes, instead of returning to the healthy traditions preserved in the places of labor by our Social Authorities, have retained the vicious habits and institutions of the ancient regime in decline.

Thus liberty, and still less, authority, need not be referred to as the only true sources of prosperity in a Christian people. They are not two fundamental principles, but only two elements, equally necessary to the working of the

social machine.¹ As to the power which operates to set this mechanism into beneficial action, this consists in the moral law. Since the fourteenth century, however, few sovereigns have aided in the preservation of good morals, while innumerable families have always been giving proofs of the possession of exemplary virtues, even during epochs of excessive corruption.² The Christian family, assisted by the priests, is, *par excellence*, the agent for carrying out the moral law. Through the special favor of Providence, it is by this means that a spirit of devotion has been preserved, while it has been extinguished in other circles of society. It is at the paternal fireside that those virtues of the future citizen are generated which qualify him to command or obey, or, in other words, those which prepare him for the exercises of liberty and authority. The best social constitution has always been that where the fireside enjoying freedom effectually resisted corruption from without; where the father, master of his actions, but submissive to God, enjoyed the privilege of bringing up his children in the practice of virtue.

The founder of the Consulate and of the First Empire, penetrated by these principles and the impressions of his infancy (K, 1), had at first attempted to make them prevail by reaction against the regime created by Terror (E). He at first held the same views as Portalis (L, 6) and other legislators who, like himself, had sprung from rural districts under the influence of family heads (§ 46). Unfortunately, the First Consul gave way to those false impressions which had been made by eminent legislators brought up in

¹ "Humanity . . . has sought, without being able to realize perfectly or for a long time, the equilibrium of the elements which make up the world: authority and liberty, right and duty, interest and conscience, Church and State." (M. DARBOY, *Pastoral Letter*, Oct. 28, 1869.)

² *Une famille au XVI. Siècle*. par M. C. Ribbe. This brochure, from one devoted to researches connected with reform, brings to light the contrast which existed in that epoch between the virtue of provincial families and the corruption of the Court (§ 15).

cities or portions of the country where unstable families abound (§ 46). He stopped at a system which ended in a double regime of restraint (K, 2), namely, the right of the eldest heir, which annulled the ascendancy of the father over the inheritor ; compulsory division, which spread the spirit of rebellion among the children, and which subjected the transmission of the fireside and place of labor to the severe control of public officials. Such was the origin of a multitude of the evils now existing. It is from that time that we have seen rapidly extinguished in our race those sentiments which, by impressing equally on all hearts proper views in regard to authority and liberty, create the prosperity of a nation !

§ 58.

ABUSE OF THE WORD PROGRESS.

At first view some reasons present themselves for employing the word progress in a general and absolute sense. It is used to designate the accumulation of material improvements connected with the regime of labor, during epochs of certain duration, not liable to interruption from some great social cataclysm. The invention which creates a product, that which diminishes the labor of production, and, in general, all the various improvements for the same purpose, which are daily developed, are, in fact, evident symptoms of a continued tendency towards the best. These perfections will not be abandoned when their advantages are fully appreciated ; and when an isolated view is taken of them, they seem to justify the pretended law of progress. But it is otherwise when we take into account the moral condition of societies. The same instincts which lead to a respect for the laws of the material world, mostly teach us to restrain those of the moral world. The diminution of the painful toils incident to labor, the increase of

enjoyments, and other advantages connected with physical welfare, generally, however, tend to enfeeble the moral forces which sustain virtue. These changes, to which, in the natural course of events, people are subjected, recall to mind some incidents referred to in history, of certain rude races transported from the wild regions of the North to the genial influences prevailing in Southern regions. In these, the strong virtues engendered by severe privations and constant struggles with nature, have soon been replaced by corruption induced by effeminacy, daughter of abundance and luxury. The ameliorations which appear on all sides in the cities and countries of Western Europe, are far from being extended to the hearts and minds of their inhabitants. Very often the advantages are balanced through an increase of misery. The phrase material progress very imperfectly expresses the movement, full of contrasts, to which we lend our assistance. The word progress, which we hear every day repeated, when taken alone, conveys an idea positively false and dangerous.

In the thoughts of those who incessantly call for progress, this word has reference to an order of chimeras which have no connection with the reality. It is referred to as an occult force, a blind destiny, which builds up nations as the circulation of the blood develops the human body. By virtue of this force, improvement will incessantly go on of itself, and people can profit by it without being subjected to those severe sacrifices exacted by labor and the practice of the virtues. This fatalism of good is no less dangerous than the idea of a creating destiny indifferent to either the good or the evil. The fallacy of this conception is, moreover, demonstrated by the present state of nations, which, after having attained a brilliancy of the highest rank, have successively lost moral order, and along with it, all their great capabilities. This error, even when it is not in the thoughts of those who abuse the word progress, is naturally presented

to the minds of the ignorant classes who hear and repeat it incessantly. It is also seductive. Those, in fact, who do evil without having lost all sense of what is right, may be happy in the persuasion that in abandoning themselves to the indulgence of their passions they will not compromise the destinies of their race.

The false dogma of progress has for its counterpart that which announces the fatal and irremediable decline of nations after these have experienced a comparatively short era of prosperity. This form of error is very widely spread among us, and tends to discourage a great many reflecting men. But, in general, this false dogma of the fatal decline of nations exists only in the secrets of thought; for those who have charge of the affairs of the State show little interest in bringing it to the attention of their constituents. I have deemed it my duty to give in this *précis* a refutation previously made in another work.²

§ 59.

ABUSE OF THE WORD EQUALITY.

The word equality, employed with the restrictions to which it is subjected by reason and experience, conveniently expresses one of the great principles with which human societies should always be inspired. But this word, used in its absolute sense, is no more conformable to truth than the two preceding. If, in analyzing a good social constitution, it become necessary to sum up in a single word the dominant trait of each detail, we should be brought to the idea of equality less frequently than to ideas the very reverse. Nevertheless, it is with equality on the one side, and inequality or hierarchy on the other, as it is with liberty or restraint, progress and decline.

² *La Réforme Sociale*, t. i. p. 23.

These are not absolute principles, but facts essential to all society. Equality and hierarchy have assumed a great variety of forms, corresponding to times, places, and races. This variety is, even at the present day, found developed to a high degree among the different nations of Europe. The two conditions, each maintain important positions in the social constitutions of prosperous nations, and when encouraged by the usages of Custom and the precepts of the Decalogue, they equally contribute to their welfare, stability, and harmony.

In the natural order of things, inequality manifests itself everywhere. It characterizes in some way the principal elements of physical life. It appears conspicuously in the three terms embodying social unity, the father, mother, and child. It also reveals itself in prolific families by the extreme diversity of aptitudes which exist among children of the same parentage. The habitable regions, with their infinite varieties, greatly modify the physical constitution of man, and, in time, create considerable inequalities between the races. But, on the other hand, in all races, the man, the woman, and the child possess the same natural aptitude to comprehend and practise the moral law, which is as unchangeable and simple as the physical laws are variable and complex. This common aptitude affords one of the best illustrations of the general equality manifested throughout the human species.

In the social order, man is not really different from the brute, nor does he attain prosperity but by carefully cultivating the moral law. Among prosperous people, this essential culture is, as far as possible, extended to all. It does not put an end to physical and intellectual inequalities, but succeeds, in some measure, to lessen them. With the same people, moreover, the moral law unites with the religious law and civil law in proclaiming equality to all men before God, before justice, and before custom.

But, at the same time, prosperous people firmly maintain inequality in all cases where it is a safeguard to moral order, freedom of conscience, and the other general interests of society. Among these necessary inequalities they place in the first rank, in private life, the ascendancy of the spiritual guide and the father of the family, the supremacy of the master to whom the education of youth is confided, and the proprietors and chiefs of the places of labor; in public life, an influential order (*hiérarchie*), established upon wealth, talent, and virtue. The intervention of a jury in all legal processes is an institution which serves to demonstrate to people the necessity of a social classification. Any leveller who might demand absolute political equality, would be greatly disquieted if citizens were called promiscuously to give a decision in a court of justice upon a question involving the loss of his fortune, honor, or life. From having met with so many men among us, proclaiming a doctrine contrary to universal practice, I was at first induced to believe, that, in this respect, France stands conspicuous among other nations for an inclination peculiar to herself. But further researches have not sustained this first conclusion.² I have even established the fact, that my fellow-citizens, more than any other European people, are disposed to adopt habits of *inequality*,³ and those even which are far from being tolerated by experience and reason. In the number of these which have occasioned most astonishment among our rivals are: the general practice of assuming titles of nobility, and the ridiculous fondness shown by the newly enriched for titles thus usurped;⁴ the extreme covetousness incessantly exhibited in acquiring orders of chivalry, whether French, or of other countries;⁵ repugnance for those free corporations, which, among our rivals, unite all minds devoted to the culture of the liberal arts; the high estimate accorded to academies vested with

² *La Réforme Sociale.*³ *Ibid.*⁴ *Ibid.*⁵ *Ibid.*

special privileges ;⁶ that inveterate propensity to establish categories designating places for the various classes of society, on occasions of public reunions and even in the sacred temples ;⁷ the infinite varieties in civil formalities, including the new epistolary style ; the abuses of the influence and privileges conferred upon public functionaries ;⁸ finally, that insatiable desire for privilege which incessantly leads, in spite of the pompous declarations of our legislators, to venal charges against ministerial officers, and innumerable varieties of commercial and professional monopolies.⁹

These institutions and manners are not the last vestiges of an ancient order of things, subject to be laid aside in our pretended regime of equality. They are, on the contrary, the results of an impulse relatively new, impressed upon our race at first by the ancient regime in decline, and afterwards by the revolutions of the present period. This state of things is, in many respects, a contradiction of the old national traditions. It is, for example, notorious that those admirable sentiments which formerly existed and contributed so much to unite the rich and the poor, the master and the servant, are every day disappearing.¹⁰

These inveterate tendencies toward inequality cannot, as some have hoped, be corrected by the prolonged action of a democratic regime (§ 60) which might substitute for the constraints imposed by the present governing classes, new individuals raised from the lowest ranks of society. Every one, in fact, knows that those who begin to rise treat their equals of the previous day with a severity always rare among persons who from their birth have occupied elevated positions. This vice of *parvenus* is severely felt by those who still remain in the lower ranks, and it contributes more than is generally believed to reconcile the poor to those who have enjoyed wealth from their birth.

⁶ *La Réforme Sociale.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

In verifying these natural dispositions of the human heart, we will be brought to comprehend that social reform will not be found in institutions which violate liberty for the purpose of destroying those inequalities established by nature, or created by the successful labors of ancestors.

Thus, the incessant proclamation of the pretended principle of equality is not in accordance with reason, experience, or the present manners of our times. The efforts made, from time to time, to introduce into our institutions advantageous applications of this principle, have more frequently been inspired by party spirit and social antagonism than by a generous repugnance against monopoly, privilege, and other unjustifiable inequalities. When these two kinds of reform are not demanded by political passions, they are indefinitely deferred in consequence of error or prejudice.¹¹ From this disagreement between theory and practice, a general state of hypocrisy and irritation has been propagated in the minds of the superior classes.¹² This disposi-

¹¹ In the course of the last few years, many opportunities have been afforded of verifying the accuracy of this remark. A reform of little utility might be easily accomplished if we could increase the aggressive power of the spirit of revolution. And this has happened in regard to the law allowing freedom to associations (law of May 26th, 1864), which is more conformable to an abstract notion of equity than applicable to the true interests of workmen. On the contrary, in spite of very urgent necessities, it has not yet been possible to restore the most legitimate aspirations of the spirit of equality in respect to the relations now maintained between citizens and functionaries. (*La Réforme Sociale.*)

¹² This expression, in its strict sense, has been adopted in the work on Social Reform (R). There exists throughout all society, between the upper and lower well-marked strata, an intermediate class, more or less numerous. The lower class is compelled by imperious necessity to concentrate all its attention upon its individual interests. The upper class devotes itself to the interests of the public. In this point of view, many among the wealthy who think only of themselves, are in fact the inferiors of those of the poor who can only provide for their most common necessities. But those among the rich who do their duty, prove themselves only the more worthy of that respect which the culpable spirit of the levellers would refuse to them.

tion of minds naturally engenders a neglect of Custom in the places of labor. It leads to the abandoning of those good relations which, in well-regulated organizations, should exist between the extreme classes of society. When the social hierarchy is established by tradition upon virtue, talent, property, and regard for services rendered, the ruling classes will have an interest in making good their claims to the pre-eminence bestowed upon them. They will exert themselves to preserve the affection and favor the wishes of their constituents. On the contrary, where they are incessantly subjected to hatred and envy, the chiefs of society are disposed to put down all those who in future might come in competition with them. The manners, also, are strongly opposed to the impulses of the levellers. The extravagance which at the present time desolates our society, seems in many families to be a means of demonstrating that inequality which really exists between the various conditions. Chafed to find the poor refuse them certain traditional signs of deference, the rich indulge themselves in extravagant expenditures in order to establish their superiority.

The false notion of equality operates most directly upon the lower classes to produce social antagonism. It gives rise to feelings of ambition which cannot be satisfied except in persons possessed of uncommon qualities. As to the masses who are sensible of their weakness, they are led to solve the false theory of equality by submission to force, and discouragement from their social superiors. Under a government of majorities increased beyond the limits drawn by reason and experience, the doctrine of absolute equality would soon lead to a decline which the people of antiquated times have not been able to submit to under a regime of slavery. It would, in effect, tend to establish a race in which the most eminent men, subjected to improvident and degraded masses, would have no

interest in making any efforts requiring the application of talents and virtue.

§ 60.

ABUSE OF THE WORD DEMOCRACY.

It is only in our days that the word democracy has become common in Europe. It is habitually employed to express a new order of things, which by conferring the rights of sovereignty upon all the inferior classes, leads to the development of national prosperity (§ 59, n. 12). This use of old words is neither justified by experience nor reason, and by confusing minds it has already given rise to grave questions. Like the three preceding words, the word democracy is used by those who employ it to convey various meanings. From hence come two principal inconveniences, equally tending to retard reform.

This word at once gives pleasure to those who view in equality an absolute principle (§ 59), and would have this principle sanctioned by a system of government. According to their false doctrine, all men possess an equal right to govern society. The least commendable individuals, by virtue of their numerical superiority, may dominate over the men of the greatest eminence, who are everywhere a minority. The levelling of conditions would be effected by subdivisions and recourse to imposts. Incapacity and vice would not only profit by the assistance afforded in all Christian societies; they would be legally entitled to enjoy all the social advantages created by talents and virtue. Such a conception is at once chimerical and unjust. The first application made of it would lead to an emigration in all directions of the *élite* of society. It would in a measure decapitate the nation submitting to such a regime, and cause it to sink to the last degree of debasement. It becomes, therefore, important that Europeans should cease to

give encouragement to such dangerous errors by employing the word in a vague and useless sense.

On the other hand, the word democracy leads many respectable men astray, who might hereafter assist in securing the nation against those evils to which it was subjected during the ancient hierarchy in decline. They would like to see the classes devoted to productive labors exercising upon governments and the ruling classes those controlling influences which were interdicted in that sad epoch. In this point of view, they have been led to desire the establishment of governments called democratic, which, according to reiterated assertions made by a contemporary writer, created the splendor of ancient Greece, and the present prosperity of the United States. This impression has been stamped upon minds by two men of eminence: in the eighteenth century by Montesquieu; and under the administration of 1830, by M. A. de Tocqueville. But it is easy to show that it is not in accordance with the facts stated by these great writers.

The evidences cited by Montesquieu in support of his definition of democracy,² are all borrowed from ancient Greece; but nothing indicates that, in his opinion, this system was applicable to a great European State. This reservation is justified by the descriptions left us by the best ancient authors who treat of the social condition of the Greeks, and by the *resumés* made by Montesquieu himself.

During all epochs of her history, ancient Greece had for a distinctive characteristic the absolute preponderance of city life. Each local autonomy always presented this characteristic, whether it existed in a state of dependence, or under the control of other autonomies, or whether it was united by a federal lien. The regions of Greece which have left the most brilliant history, were composed of small territories, having the appearance of extensive outskirts

² Xenophon, *Memoirs of Socrates*, liv. iii. chap. ii.

furrowed by roads converging toward a city, situated in the centre, or running to its border. The ruling class of each territory always resided in the city, and lived upon the productions of the land cultivated in the outskirts, or upon the rents of houses inhabited by the middling class.³ They had four principal occupations, namely: the gratuitous services rendered to the city as magistrates and managers of the public expenditures; direction of the military and naval forces; the regulations applied to the chase of wild animals⁴ upon those parts of territories not contiguous to cities, and remaining for the most part uncultivated, or covered with forests; finally, the culture of the sciences, literature, and the arts. The middling class, collected, like the former, in cities, and devoted themselves to maritime enterprises,⁵ to local commerce, to manufacturing industry, to the management of the rural estates of the ruling classes, or to the trades necessary to a city life. In general, the persons appertaining to this class were not held in much estimation. At Sparta, the law refused to acknowledge them in the quality of citizens, but at Athens it was otherwise. There, commerce was a common means of attaining wealth, and this, according to the laws of Solon, was the foundation of social classification.⁶ In practice, customs always oppose themselves against law. The proper estimate of the common occupations was seldom accorded to the un-

³ The Greek authors mention the severe burdens imposed by persons in the service of the State upon the ruling class. See, for example, the *Life of Dion Chrysostom*, (Vie des anciens orateurs Grecs, Paris, 1752;) Xenophon, *de l'Economie*, chap. ii.

⁴ "The hunters always presented to the republic robust bodies and positive resources." (Xenophon upon the Chase, conclusion of chap. xiii. See also, on the subject of the chase in Euboa, Dion Chrysostom upon Country Life.)

⁵ The Greeks of antiquity, for example, engaged in the wheat trade, as their descendants do at the present time. "These merchants indulge a singular taste for wheat. When they hear any country mentioned where it is plenty, they go in search of it, traversing the Ægean Sea, the Euxine, and Sea of Sicily." (Xenophon.)

⁶ XENOPHON, *Memoirs of Socrates*.

scrupulous class who carried them on.⁷ The contrast which existed, in this relation, between public opinion and philosophy often appears in the writings of the times, and frequently in those of the same author.⁸ Finally, the inferior class, comprising the greatest part of the population,⁹ attached to the two preceding classes by domestic ties, furnished the personnel of in-door domestic service, and the manual labor necessary for agriculture, the city industries, and navigation. Individuals of this class attached themselves exclusively to the person of the master, and held no rank in society.

Under such a regime, the city was the State. The people furnishing the personnel of the liberal professions were more or less associated with the chiefs of the working class. It is therefore easy to comprehend how, in good epochs, this people, meeting in a public place, chose judiciously from among the nobility who lived under their eyes, men capable of governing the State, dispensing justice, preserving public peace, and commanding armies.

But, when we use the word in the popular sense adopted in our own day, the government of the ancient Greeks really reduces itself, even according to the definition of Montesquieu, to an aristocracy more exclusive than all those which have existed in Europe for many centuries. The statesmen who improvised the revolution of 1789 committed

⁷ MONTESQUIEU, *Spirit of Laws*, chap. iv.

⁸ Such is the case with Xenophon. Sometimes he commends the common arts; *De l'Economie*, chap. v.—xv.; *Memoirs of Socrates*, book ii. chap. vii. viii. Sometimes, on the contrary, he only approves of such governments as make little account of them; *De l'Economie*, chap. iv.

⁹ "With the Spartans in an epoch of prosperity, in a population of only 476,000 persons, 36,000 persons in a condition of freedom constituted the 9,000 families who resided in the city, possessed with the necessary power for directing its affairs. 120,000 other free persons were disseminated in the country upon thirty thousand lots of ground. Finally, 320,000 persons dependent upon these two classes, exercised the servile functions and professions in the city and country." (PLUTARCH, *Life of Lycurgus*.)

a great mistake when, drawing upon the literary souvenirs, they adopted as their ideal of liberty and equality types from the ancient Greeks. By looking for their models twenty-two centuries backward, in place of imitating the best institutions of their own time, they wandered entirely from the object which they proposed to attain. The electoral regime, from which the States-General of 1789 originated, notwithstanding it had become vitiated by five centuries of corruption (§§ 15 to 17), was itself better adapted to the usages of a good popular government than that of the ancient Greeks. On the other hand, by conferring upon all the inhabitants concentrated in the numerous towns and scattered over the limits of a great empire,¹¹ a liberal right of intervention in the affairs of the State, our revolutionary statesmen created a regime which has no precedent, and which would have been unanimously rejected by Greece herself, as incompatible with all social order.

According to the opinion of many enlightened men, the social order which, up to the present day, has contributed to the grandeur of Europeans, might have been ruined in its principle by the corruption of manners, and the institutions of the State thrown backwards. Among the Americans of the United States, superiority manifests itself more and more. The success of this people has been owing to the abolition of the old European hierarchies, and to the participation of every citizen in sovereign power. In other words, it corresponds with the first advent of that democracy which really agrees with the definition of Montesquieu. M. A. de Tocqueville, more than any other writer, has

¹¹ Montesquieu, speaking of the institutions under which the Greeks attained to such great prosperity, expressly declares that they cannot be conveniently adopted except in a small State formed of one city. "They cannot, moreover, be adopted except in a small State (as were the cities of Greece), where general education could be carried out, and all the people brought up like one family." (*Spirit of the Laws*.)

found himself placed in a condition which enabled him to propagate this doctrine most favorably. Connected by birth with an ancient European order, he was, by his relations and delicacy of sentiments, able at once to obtain earnest readers even from among those who were ruffled by his ideas. He never appeared to them liable to suspicion of partiality while promulgating the two errors upon which his system reposed; that is to say, the inferiority of the ruling classes in Europe, and the superiority of the popular classes in the United States. On the other hand, the author does not show himself infatuated with American democracy, which he even criticises severely. The worthy people who retain their attachment to former times, or who remain undecided between good and evil (§ 17), very gradually gained confidence in his prediction; and since then they believe in the fatal advent of an American regime, referred to as the type of equality and democracy.¹²

Moreover, M. de Tocqueville has in no wise succeeded by his labors in establishing his two main points, and is not therefore justified in the conclusion which he has drawn. The prosperous countries in Europe, and even France herself, still possess Social Authorities (§ 5) truly worthy to direct the government of the people. Some of these, de-

¹² "The gradual development of equality is a Providential event. Among its principal characteristics are the following: It is universal; it is durable; it every day withdraws itself from human power. All events and all men have contributed to its development. Would it be reasonable to believe that a social movement which had gone so far could be ended in a single generation? Does any one suppose that, after having destroyed the feudality and vanquished kings, democracy will ever retreat before the bourgeois and wealth? will it now stop its course, after having become so strong and its enemies so weak?" (*Democracy in America*, by De Tocqueville.) The English, who, in the seventeenth century, declared that their country was devoted to the persistent corruption maintained by the Tudors and Stuarts, reasoned more judiciously than M. de Tocqueville in declaring in such terms, that Europe was fatally condemned to democracy. Moreover, the prediction has been falsified in England, by the reform of George III. It is upon our own devotions that we depend at the present day for similar success.

rived from ancient types, have been spontaneously modified in accordance with the necessities of the times. Others have risen up with the new manufacturing establishments (§§ 29, 30). These authorities have, in modern times, acquired an importance which has been strongly pointed out by the International Jury of 1867 (Q). They possess all the qualifications necessary to accomplish reform, and restore to Europe its high destinies (§§ 33 to 37). On the other hand, it is entirely incorrect to ascribe to the inferior classes in the United States that prosperity which M. de Tocqueville witnessed in 1832. The allegations made by the author in this sense are refuted even by facts stated in his own book, and by more recent facts to which I am about to refer. Moreover, the whole history of the United States is a protest against the assertions made to us daily, that American democracy, as now constructed, is a panacea for our political and social disorders.

Ever since the arrival of the first emigrants (1767), up to the time when the Constitution of the United States was formed (1787), the English colonies in the North prospered under the same institutions which in that epoch were most successful in Europe. Each colony, free from all direct lien to neighboring colonies, formed a provincial autonomy attached to the European monarchy—States almost independent, under the sovereignty of the king of England assisted by his council. In the midst of institutions in many respects different from each other, six principal traits may be pointed out in the old constitution for the Thirteen Colonies, when these confederated for the purpose of conquering their independence, and afterwards forming the Union.¹⁸ These traits especially refer to reli-

¹⁸ These colonies, enumerated according to the order of their foundation, are: Virginia (1607), Massachusetts (1625), New Hampshire (1629), Connecticut (1630), Maryland (1632), New York (1634), Rhode Island (1636), the two Carolinas (1662), New Jersey (1664), Pennsylvania (1681), Delaware (1682), Georgia (1732).

gion, the family, local government, the colonial autonomy, social hierarchy, and sovereignty.

Religious liberty, more than any other, adapts itself to strong beliefs.¹⁴ In two of the colonies it was firmly established upon a true sentiment of toleration.¹⁵ In no place, however, did it show itself more beneficially than in certain localities in Europe.¹⁶ The liberty of individuals and families rested, as in all the establishments of the Anglo-Saxon race, upon the old usages of the Middle Ages. In America, as elsewhere, it had testamentary liberty as its principal guaranty. The liberties pertaining to local government allowed to individuals and families the fullest opportunities for developing their faculties. With similar foundations, it presented the same varieties in forms which at the same epoch were destroyed in France, but which still exist with all their advantages in England,¹⁷ as well as in the Basque Provinces,¹⁸ in Switzerland, Germany, and Scandinavia. The provincial autonomy which each colony possessed while still under protection of the English monarchy, was similar to that which has been preserved by the Basque Provinces through the courage exerted by them in resisting the Spanish monarch. In the seven colonies where royal authority made itself most felt,¹⁹ the three powers of our European governments were represented (§ 69). A governor presided with the right of veto, promulgation of laws,

¹⁴ M. DE TOCQUEVILLE, *De la Démocratie en Amérique*.

¹⁵ This sentiment was especially insisted upon by the Quakers of Pennsylvania, who refused it only to Indians remaining in paganism. It also especially existed among the Catholics of Maryland, who refused it to none.

¹⁶ France, for example, from 1629 to 1661, made one of the beneficial applications of the spirit of toleration (§ 16).

¹⁷ *La Réforme Sociale*.

¹⁸ *Bulletin de la Société d'Economie Sociale*.

¹⁹ During the War of Independence, there existed in the Colonies two principal forms of government, namely, the seigniorial regime, and the regime of chartered rights. Under the first, the colonial territory was ceded, with most of its rights of sovereignty, to a single large proprie-

administration of justice, defence of the soil, and maintenance of the public peace. A council of eminent men, chosen by the king from the influential classes of the colony, assisted and controlled the power of the governor, exercising at the same time the functions of private councillor of the Senate. In fact, a chamber of representatives, elected in conformity to the usages of each locality, in concert with the council, made all necessary laws for the colony. Local hierarchies were firmly established in accordance with the customs of the people, and they exhibited shades still more striking than those existing in Europe at the present day. In the South, large resident proprietors, served by slaves of the black race, constituted the influential class more exclusively than the democracies of ancient Greece or the present noblesse of Russia. In the North, the establishments consisted sometimes of large estates, managed by tenants employing free laborers, sometimes of small properties cultivated by their owners, assisted by their children. Everywhere submitting to the burdens of direct taxation, they voluntarily united into almost sovereign communities and regulated their interests for themselves, as is still the practice in European communities, with the exception of those of France (§ 68). The local customs, impressed by British influences, conferred authority upon certain families distinguished by talents and virtue. These traditions were themselves created by the *ab intestat* custom of England, by which the integral transmission of the parental estate was connected with the performance of certain duties of a private or public nature.

tor. Such was the case in Maryland under Lord Baltimore, and in Pennsylvania and Delaware under William Penn and his descendants. Under the second regime, the territory had been ceded to a corporation in virtue of a charter which conferred equal rights of sovereignty. Such was the case in Massachusetts, Connecticut, and Rhode Island. The last still adhere in some measure to their autonomies, and Rhode Island in particular has exhibited extreme repugnance to the principle of union.

The king finally crowned the social edifice, and the respect accorded to his name ennobled the authority derived from him among all superior ranks of the hierarchy. But, with the exception of his right to appoint the governor and the council, the royal authority was not directly manifested, except in cases of appeal from decisions made in the high courts of justice.

The Constitution of the United States, prepared and written in 1787, put into operation in April, 1789,²¹ had for its object the filling up of the gap made by the rupture between the colonial and metropolitan governments. To this effect it directed its attention to two principal subjects — establishing a federal power for the purpose of directly creating between the Thirteen Colonies, which had been converted into independent States, that union which had previously indirectly prevailed under the sovereignty of the king; endowing each State with powers equivalent to those of governor, council, magistrates, and the choice of those high functionaries which before had been appointed by regal authority. The American statesmen did not go beyond what was indispensable to be done in order to establish the Union. They left the social edifice of each State intact, with its local autonomies, its social hierarchies, and its religious, civil, and political customs. The people, assembled in public, continued the direction of their own immediate affairs and the government of the community. But it could not more than formerly, exercise any power over the general government or Union. Thus, in the new era, America had at first preserved its institutions, its manners, and even the personnel of its local governments. It has always had to clear up unlimited territories; it has never

²¹ Nevertheless, North Carolina did not enter into the Union until November, 1789, and Rhode Island in May, 1790. The twenty articles now contained in the Constitution of the United States, have been revised at five different epochs, namely, seven in 1787, ten in 1789, one in 1794, one in 1803, one in 1865.

had to fear such direful Continental wars as have enfeebled Europe, as they enfeebled ancient Greece. It has continued to receive an immense flow of alimentary emigration in increasing proportions, consisting of the most prolific and energetic races of Europe. It is therefore no cause of wonder that, during the first third of the present century, the United States have seen their prosperity increased while it was under the influence of those great men who, after having governed the country in virtue of royal sovereignty, had emancipated it by the force of arms.

But the source of this prosperity became exhausted in proportion as these founders of independence were removed by death. It is visibly compromised at the present day by a moral decline, which has been referred to by M. de Tocqueville, the first symptoms of which appeared in 1832. Later travellers and contemporaneous facts confirm its rapid progress. This decline has not yet sensibly affected the rural districts, which have remained faithful to ancient tradition. It has, however, attained formidable proportions in the large cities everywhere developed, and also in their vicinities. Among the signs of corruption which exhibit a strong contrast with the ancient order of things, travellers notice with surprise the following:—Diminution of Christian zeal, and invasions of scepticism, fanaticism, illusion, and even of polygamy; instability of property and of the family fireside; culpable independence of children in the presence of the heads of families, with its usual consequence—sterility of marriages;²⁵ rapid increase of divorces; loss of mercan-

²⁵ Among the scandalous encouragements given to this disorder, I will call particular attention to the medical advertisements of certain speculators. To give more effect to his announcement, the same quack doctor often presents in the same column several insertions, all precisely alike. See, for example, a triple formula of this kind, which I have extracted literally from among nineteen others, in a newspaper extensively circulated. To avoid favoring the industry of this practitioner, I have only taken care to suppress his name and address:—

tile credit and multiplication of bankruptcies; oppression of the colored races; venality of those elected by the direct suffrage of citizens;²⁴ want of power in the governing class to suppress the most scandalous acts of functionaries;²⁵ shocking pretensions in regard to foreigners and the enterprises of fillibusters. These disorders have resulted in reaction and the development of antagonism between the extreme classes of society and political parties in the States of the Union. They have almost everywhere entirely destroyed the local hierarchies established upon the basis of wealth, talents, and virtue.²⁶ Finally, they have very lately culminated in one of the most bloody and ruinous civil wars of which history has preserved any record.

"Dr. M——, *Professor of Diseases of Women*, thirty years' practice, guarantees certain relief to ladies, from whatever cause, without pain or inconvenience.—*A blessing to ladies*. A lady writes: 'Portuguese female pills relieved me in one day, without inconvenience, like magic.' Price, 5 dollars. Dr. M——. *A great and sure remedy for ladies*. The Portuguese female pills always give immediate relief. Price, 5 dollars. Beware of imitators, who copy my advertisements to sell poisonous compounds. Dr. M." (*New York Herald*, Dec. 14th, 1867.)

²⁴ The best choice appears to be made by elections in the second degree. The presidents of the Union elected by this process have generally stood in the highest estimation.

²⁵ M. Walker has recently cited cases of corruption which have become frequent in his country, and which, up to the present day, stand without parallel in Western Europe. He refers particularly to the collection of the tax on distilled liquors, the product from which impost, on account of the dishonesty of the inspectors, was one year reduced from eighty millions to only thirteen millions of dollars. (*Journal des Economistes*, Oct. 1869.)

²⁶ "As long as the natural instincts of democracy incline the people to refuse placing distinguished men in authority, an instinct no less strong inclines these to withdraw themselves from the career of politics, in which it is so difficult to remain entirely to themselves or to move without fear of incurring slander." (M. de Tocqueville, *Démocratie en Amérique*.) This annunciation is contradictory to the opinion of the same author (see note 12) in regard to the fatal advent of democracy in Europe. It is, in fact, evident that they will only continue to prosper so long as they delegate authority to the most able and virtuous. Two propositions are associated in the mind of M. de Tocqueville with two convictions which he has often mentioned to me, and which his friends must still remember. Having no knowledge of

These various forms of corruption have come from three sources: — That pride which renders the masses equally accessible as kings, to the flattery of candidates and to the seductions of power;⁷⁷ to electoral venality, which tends

the common occupations, or of the existence of Social Authorities (§ 5), believing also in the governmental incapacity of the ancient ruling classes, he regarded decline in Western Europe inevitable. He likewise believed that this decline could not be much accelerated by the importation of an American regime. Europeans ought assuredly to continue the tribute of their admiration to the eloquent truths which abound in the work of M. de Tocqueville. But they cannot be too careful in guarding themselves against the impression which he leaves on the minds of his readers. For a people which has need of reform, should above all things look with confidence upon the future. T. Jefferson, the most ardent preacher of democracy among the founders of the Union, only saw in democracy the best means of putting men of superior natural endowments in power. He believed that this means would prove efficacious in his country, but was inapplicable to the dense population of France, where he resided for a long time. In the first days of our revolution he wrote from Paris: "I consider natural aristocracy as the most precious gift with which we have been endowed by nature, for the instruction of society, and the direction and management of affairs. . . . The best form of government is that which provides effectually, that public functions should be exclusively confided to these natural aristocrats (*aristot naturels*). I believe that the best remedy consists . . . in leaving to citizens the care of separating the *aristoi* from the *pseudo-aristoi*. . . . The men of our States . . . may with safety secure to themselves a salutary control over public affairs, and a degree of liberty which, in the hands of the *canaille* of European cities, would soon be employed for the destruction of public interests." (*Mélanges Politiques de Jefferson*.) Now the facts observed by M. de Tocqueville in 1832, prove that in less than half a century the democratic regime has already corrupted the Americans to a point which renders them incapable of fulfilling the mission laid down by Jefferson, except in the case where recourse is had to that semi-aristocratic system — election in the second degree (n. 24). Since then, the evil has been greatly aggravated. Jefferson, while exaggerating, in spite of the counsels of Washington, the democratic tendencies in the Constitution of the United States, never foresaw that the increase of wealth and the development of populous cities would one day create in America the same danger from democratic institutions which rendered them unfit for Europe.

⁷⁷ Chancellor Kent, in his Commentaries upon the Constitution of the United States, thus justifies the privilege of nominating judges assigned to the executive power: "It is, in fact, probable that the most suitable men to fill the places might be too reserved in their manners and too severe in their principles to be ever able to obtain a majority of the suffrages in a general election."

no less to the injury of institutions among the poor than among the rich ; finally, to the exaggerations of equality, which are the stumbling-blocks of democracy, as privileges are to other forms of government.²⁸ These causes have operated upon communities composed of rural families of moderate means, and imbued with religious sentiments.²⁹ They exercise an irresistible influence upon the poor accumulated in large cities, in contact with the excesses indulged in by the wealthy. This last case is already frequent in America, and introduces disorders which are comparatively rare in European States. It is worthy of remark that the morals of the Anglo-Saxons have declined under the influence of American democracy, even at a period when the English monarchy exhibits a great improvement (§§ 30, 31).

Our orators and writers therefore commit a great mistake when they recommend, under the name of democracy, a system of government which has never existed in Greece, and which at the present day compromises the destinies of North America. This regime is, on the contrary, strongly rooted in the Basque Provinces, in the Swiss cantons, in

²⁸ The Constitution of the United States makes no declaration of the principle of equality. And besides, the customs of each State demand of electors positive guaranties to preserve public order. But the abuse of this principle is gradually increasing in the institutions and manners. T. Jefferson, who had received in France his ideas of scepticism and levelling, gave in this sense the first impulsions of them to America. In spite of the resistance made by Washington, he caused, through a law of equal division, the abolition of the ancient custom of *ab intestat* in Virginia. This law dominated everywhere by absolute testamentary freedom, and here and there by substitutions of two degrees, was adopted by the other States. Louisiana alone, on entering into the Union, preserved the right of half the property to be applied according to the custom of forced division. This abolition of an essential element of Custom affords me a partial explanation of that moral decline to which the Anglo-Saxon race is subjected in the United States more than in any other part of the world.

²⁹ M. A. de Tocqueville has given an admirable demonstration of the reason why religious usages are much more indispensable to the preservation of democracies than for all other forms of government. (See § 39, n. 10.)

Norway, and other small States, — the simplicity of manners and modest position of which are viewed by France with contempt. Our writers give rise to new mistakes when they recommend our nation to renew those efforts, which, up to the present time, have only been productive of desperate antagonism. They can only bring confusion and weakness by offering such an ideal to a people favorable to inequality, and, in virtue of the formation of its territory (§ 9), and the genius of its inhabitants, eager for power and renown, and in subjection to a capital which has become at the same time a reservoir of wealth, the centre of all public life, and the school of corruption.

§ 61.

SIXTH DIFFICULTY : — EXAGGERATED IMPORTANCE ASCRIBED TO FORMS OF GOVERNMENT.

Men have for a long time been disposed to attribute their ills to a blind destiny or some occult cause stronger than their own will. The French are very much inclined to indulge this whim. They throw the responsibility upon the government, even when the evil is a direct consequence of their own vices. The governing classes have, on their part, during the two last centuries, done everything calculated to encourage this aberration. Under the absolute monarchy, as in the era of the revolution, they have set up the chimerical pretension of taking charge of the happiness of citizens, even in private life. Sometimes they have even assumed the merit of creating that abundance which was obtained by diligent labor or from the bounties of nature ; while at other times they poured their censures upon others who were suffering from the effects of poverty. Citizens would be more effectually protected against such unjust reproaches if the public authorities would renounce their own disgraceful derelictions ; and they will indefinitely postpone re-

forms if they do not freely accept the responsibilities which no regime can destroy. The best class of people will rouse from their inaction, and no longer give an indirect support to revolutions, when they finally become convinced that their prosperity is not solely dependent upon some particular form of government.

These opinions in regard to personal responsibility will apply to all countries, though they are particularly adapted to those which make pretence of practising the good under a regime of freedom (§ 8). If, during eighty years, we have failed in all our trials to obtain reform, it is because we have persisted in solving the social problem by charging the evils to the forms of government, without renouncing our own discords, vices, and errors. If we compare the prejudices of our own epoch with those which prevailed half a century ago, we shall be able to substantiate that France has not, in that lapse of time, advanced one step toward any true reforms.¹

Nevertheless, my fellow-citizens are not very ready to renounce their dominant prejudices, and will not devote themselves to reforms in private life, if it be not satisfactorily demonstrated to them, that these would directly tend to produce reforms in public life. Notwithstanding the special attention given in this work to the subject, I find myself inclined to refer again to the intimate connection which subsists between the best organization of the fireside, the manufactory, and the public authorities. To this effect, I shall first recall attention to the method by

¹ At the time when the chamber of deputies re-revised, as has been lately done, the principal texts of the constitution, a deep thinker and member of that assembly wrote thus: "We are going to discuss the freedom of the press, the concordat, the law relating to recruiting, and public instruction. Only conceive of a nation which makes such a beginning, as if it had just sprung from the forests, and in which so many men, without any previous knowledge, come to read dissertations in regard to the great subjects which have filled so many libraries and occupied the attention of so many great minds." (De Bonald, *Letter of Dec, 2d, 1817.*)

the aid of which the respectable classes may be brought to a proper understanding in regard to the principles of a good social constitution. The exaggerated importance given by us to forms of government, absolutely falsify this primary condition; for in the midst of an antagonism originating from a long neglect of tradition, inveterate errors and preconceived ideas, we have never consented to unite in solving the six difficulties which I am about to mention. We still make efforts to react upon the nation by see-saw movements made by means of contradictory texts. We expend thus in fruitless scholastic discussions that activity which springs up periodically after long periods of torpor. We incessantly return to that chimerical pretension of reform in ideas; not to one produced by a voluntary return to Custom and the Decalogue (§ 4), but to one founded on prescriptions laid down in a new written constitution.² We would successively have magistrates appointed by the sovereign or by the people, but we give ourselves little anxiety to relieve the public from the weight of their authority. Especially are we regardless of the importance of training up a race of men capable of exercising authority to the best advantage. Still more sad is the thought that by the written law we shall be kept in that vicious circle in which we have been revolving for eighty years.³

² "Man can no more give a constitution to religious or political society than he can give weight to a body or extension to matter. . . . Very far from having the power to *construct* society, man, by his interference, only prevents the construction of society; or, to speak with more precision, he only retards the success of efforts made for this end by natural influences." (De Bonald, *Théorie du Pouvoir*, Paris, 1796.)

³ While waiting under all the regimes which have succeeded each other, our Social Authorities, lamenting over the impossibility of finding any organization adapted to the necessities of their families and private life (C), this thought has often presented itself: "We can only be compared to a man in a profound lethargy, who, with his eyes and ears open, sees preparations made for his burial, without power to budge." (De Bonald, *Lettre du 30 Mars*, 1819.)

§ 62.

SOLUTION OF SIX DIFFICULTIES, BY IMITATING MODEL NATIONS, AND BY A RETURN TO THE CUSTOM OF PERIODS OF PROSPERITY.

The state of inquietude which exists in our country, and the difficulties which I am about to mention, are not new points in our history, and their remedy has long since been known. Any nation which may be placed under similar circumstances, in order to prevent complete decline, has only to make use of two means: Follow the best usages existing in other countries; add to the best usages of former prosperous times, others in harmony with the necessities of the present time. The imitation of models has been practised without intermission by all nations which have understood how to maintain their strength and prosperity. With the Romans¹ it formed a principle of their government. It was, among the Greeks, a still more constant usage, and was even taught by Socrates with a precision to which moderns can add nothing.² Reform by imitation has been equally applied to the government of France, under the

¹ "Rome recruited most of her forces from the Sabines, a hardy and warlike people, like the Lacedæmonians, from whom they were descended. Romulus adopted their buckler, which was large, in place of the small silver buckler used by the Romans up to that time. And it may be observed that what most contributed to make the Romans masters of the world, was, that after successively fighting against all nations, they were always ready to renounce their own usages as soon as they discovered others that were better." (Montesquieu, *Greatness and Decay of the Romans*.)

² Xenophon, in a dialogue between Socrates and Pericles, gives this *resumé* of the causes of the decline of Athens and the means necessary for its reform. "Pericles. 'I am surprised, Socrates, that our city has been thus subjected to decline.' 'For myself,' replied Socrates, 'I think, that, so long as we see certain athletics capable of overcoming so many others by their superior strength, after giving themselves up to idleness and thoughtlessness, descend beneath their adversaries, so will it be with the Athenians, who, thinking themselves superior to other nations, suffer from the consequences of their neglect and degeneracy.'

ancient regime, by the most keen-sighted sovereigns.³ At the present time, our governing class are putting to profit, with feverish excitement, all the means necessary to regain that advance which we suffered our rivals to take in all that relates to the fabrication of warlike arms.

Imitation applied to the choice of arms, has always been imposed upon a nation as an evident necessity. It is no less necessary to-day, to extend the same process to the reform of labor, to the correction of manners, and the improvement of the system of government. Unfortunately, my fellow-citizens show little disposition to adopt such means for salutary purposes.⁴ They are for the most part ignorant of the institutions and manners of strangers. They, nevertheless, often indulge themselves in praising them beyond measure or in slandering them. Believing that they are performing an act of patriotism, they claim that superiority which Europe once conceded, but now refuses to

‘And now, what can they do to recover their ancient strength?’ ‘There is,’ said Socrates, ‘no mystery in regard to this. It is only sufficient that they return to the manners of their ancestors, and show no less attachment to them than they did, and then they will be no less courageous. Should they not be disposed to do this, let them at least follow the examples of those people who command at the present day, adopt their institutions, and attach themselves to them, and they will soon cease to be their inferiors. If they possess a true spirit of ambition, they will soon surpass their instructors.’” (*Memoirs of Socrates.*)

³“You know very well the desire which I have to establish order and justice as the policy of my kingdom, and to accomplish this it is necessary to introduce the manners and customs of other countries.” (*Letter of the 5th of August, 1479, of Louis XI. to Baron du Bocage.*)

⁴It is now ten years since I recommended to my young auditors, when leaving the Council of State, the duty of studying upon the spot, and methodically noting down the various social constitutions of Europe. Had this advice been followed, we should be in the enjoyment of pleasures and advantages of which we are now deficient. In the midst of the excitement now existing in favor of the formation of a new system of government, we need more reliable guides than the passions of opponents or the egotism of the self-satisfied. We need a body of young men animated by energetic convictions, and prepared to restore the reign of good. But we see such men, rejecting private life, commit the error of looking for success to a new career, founded upon principles not sufficiently justified by experience.

give to our country (§ 16). Pretended patriots believe themselves privileged to condemn the partisans of the method of imitation. But in placing themselves in this attitude, they follow the Chinese, who, yielding to their pride and ignorance, persuade themselves that the rest of the world is plunged in barbarism.

The second means of solving the difficulties of our times is equally indicated by experience and reason, after a revolution which has destroyed by violence and scandalous abuses the most beneficial traditions. It is evidently necessary to return to those traditions which are at the same time in accordance with the eternal principles of social order and with all good customs of the present day. But this second salutary measure has been successively discredited among us by the statesmen attached to the absolute monarchy, by the writers of the eighteenth century, and since by the declamations of revolutionists reproduced by writers in our own times. Under these influences, public spirit has become perverted; and, as one of our historians has asserted, the evidences in matters of history should be renewed from the beginning (§ 10, n. 2). The French still maintain a great contempt for the institutions and social manners of the ancient regime. Their antipathy for *Old France* is as great as the love of *Old England* is dear to the English. Misled by false and vulgar assertions, they persuade themselves that the grandeur of their nation only dates from 1789. And those even who suffer most from present troubles contend that nothing useful can be borrowed from the past.

Unwilling to establish anything, either upon the good traditions of their ancestors or upon the best examples of their rivals, the French seem forced into a dangerous extremity. They believe it their mission to create out of all pieces a new social organization, and they are particularly impelled in this direction by the abuse of the word pro-

gress (§ 58). Out of this inspiration have originated, since 1830, those chimerical systems which have unprofitably agitated so many minds. At one epoch, when useful inventions produced such rapid changes in material order, some persons persuaded themselves that similar successes might be obtained in the moral order, and next, in the government of societies. In this expectation, they subjected themselves to great disappointment; for there is a difference rather than a similitude between the two species of phenomena. As I have elsewhere pointed out,⁸ the science of material facts is unlimited, and is always eagerly applied to profit, and, when found insufficient, it is often outstripped by practice.⁹ The science of moral facts is, on the contrary, characterized by extreme simplicity. It, in truth, reduces itself to the Decalogue, interpreted by the practical example of Christ. It is the same with the art of governing, which, according to the testimony of New England (§ 8, n. 9), is comprised in one single rule, which enjoins it upon the people to practise the Ten Commandments, submit to authority and the usages of good Custom. Now, after eighteen centuries of Christianity, the people, who continue to give the best examples of its practice, still remain at an infinite distance from their Divine Model. Those who have fallen into corruption, wander therefore strangely, when, instead of imitating the most prosperous people, they presume to invent principles and processes of government superior to those with which that nation is contented.

These two errors greatly aggravate the six difficulties (§§ 51 to 61) which oppose themselves to reform. The French will remain undecided between the choice of good and evil so long as they ignore this method, or hold it in contempt. They will only begin to reform themselves after they have become inspired with the principle of imi-

⁸ *Réforme Sociale.*

⁹ *Ibidem.*

tation, and come to some accord in regard to the choice of the best models.

§ 63.

SEARCH AFTER MODELS, BY COMPARATIVE OBSERVATIONS MADE UPON NATIONS.

Comparative observations made upon different nations have in all times presented models worthy of imitation. These are distinguished by the prosperity (§ 7) they enjoy, and the superiority of their manners and institutions. Such models are unequally distributed over Europe (§ 9). The search after them has advanced considerably, and already furnished useful materials to the work of Reform.

In 1855, I published methodical descriptions of the best social organizations, which, with the assistance of my friends, I had found in Europe and contiguous regions of Asia. These descriptions have been presented in uniform parts, so as to render them comparable, notwithstanding the extreme diversity of localities and races to which they relate. The work of which they form a part, has for its title, "European Workmen" (*les Ouvriers Européens*). In 1856, it received from the Academy of Sciences the prize founded by M. de Monthyon (O).

Since 1856, the Society of Social Economy, recognized in 1869 as an establishment useful to the public, has, in conformity to the wishes of the Academy of Sciences, given to the world the plan of study recommended in the "European Workmen." By aid of the two series of publications, this society has extended a knowledge of a multitude of facts relative to the manners and institutions which may be of service to reform, by presenting models for imitation (P).

In 1864, in conformity with reiterated invitations from persons who occupied situations enabling them to promote

reform in the State, I have co-ordinated the whole of these observations. Under the title of *Social Reform*, I have published a work pointing out the reforms demanded by the present condition of France. Three editions of this book have given considerable notoriety to the plan.

Independently of these initiative labors, two inquiries of a public character have been introduced to complete the results obtained, and confer upon the latter a certain degree of authenticity.

In 1858, a commission composed of M. Rouher, M. Schneider, and myself, was charged with the duty of indicating the places of labor, which, in France, offer the best conditions of welfare and harmony to all interested. An inquiry upon this subject was satisfactorily completed in two months, and then furnished the means of solving clearly an important social question. Finally, in 1867, on a proposal made by the Imperial Commission of the Exposition, approved by a decree of the Emperor, the same inquiry was renewed, so as to include all the nations represented in this grand assemblage. The establishments placed by the International Jury in the first rank, received from the hands of the Emperor, July 1st, 1867, the highest rewards which have been conferred up to this time in any of the universal expositions (Q).

Public and private institutions are connected with each other in a great many points. Besides, as I have already stated (§ 61), questions connected with the proceedings of the general government are, in France, always occurring to complicate reforms in labor and in private institutions. It is, therefore, necessary that a comparative study of these proceedings should be made to complete those which relate to the inquiries above referred to. Having elsewhere made an exposition of my own researches, I shall now limit myself to referring to those localities which

appear to me to exhibit the most harmonious union between private and public life.

All such localities have certain common characteristics. Their prosperity everywhere comes from men who show a reverence to God, and derives its principal source from fathers devoted to their families, and proprietors held in esteem by their workmen. It becomes perfect when the magistrate and spiritual advisers manifest a sense of their proper duties and an affection for the people. But this last is comparatively rare. In various epochs of history (§§ 13 to 15), as well as at the present period (§ 17), it has often been seen that the ruling classes, by their depravity and selfishness, have exhausted the sources of good which sprung up from the domestic fireside and the places of labor. On the other hand, the places of labor are not themselves always exempt from evil. By accumulating in certain places and raising up towns for the requirements of commerce or the enjoyment of luxury, they are exposed, even by their contiguity, to a multitude of conflicts. Should the progress of moral order not correspond to the corrupting influences emanating from the approximation of families and the accumulation of wealth, these conflicts are multiplied. Social order soon becomes impossible, at least where the governing class does not possess sufficient power to maintain public peace. Thus the families called civilized always find themselves between two rocks equally dangerous. Should the governing class not possess the power to enforce respect of the peace, they ruin themselves by their discords. Should the governing class fail to perform their duties, or abuse their power, the people are equally subjected to ruin. Model nations avoid these rocks by processes varying singularly in efficacy, according to the natural conditions and social institutions in the midst of which the places of labor are situated.

§ 64.

THE NATURAL CONDITIONS WHICH DISPOSE PEOPLE TO ENTERTAIN RESPECT TO GOD, AND MAINTAIN PUBLIC TRANQUILLITY.

Nomadic people, whether depending for support upon the chase, or upon pastoral pursuits, being unwilling to subject themselves to the toils of agriculture, resort to uncultivated spaces, where they form isolated societies. These prolific races send out swarms to conquer those who have lost through corruption their power of resistance, or to labor for those weakened by sedentary employments and habits. In one respect, the people who form stationary populations resemble nomads, for, like them, they only prosper so long as they preserve fecundity. By regular emigration to the uncultivated regions of the two worlds, nomads serve to ward off the dangers incident to crowded populations.¹ The localities in which, from the first historical ages, nomads have presented the finest examples, are the steppes² which traverse all Asia, from the shores of the great northern ocean even to those of the Mediterranean and Red seas. Owing to the fertility of their pas-

¹ *La Réforme Sociale*, t. xi. pp. 161 et 454.

² I have, in 1844 and in 1853, made personal investigations in the north-western Asiatic steppe, as well as in the vast appendage of this country extending in Europe between the Ourals and the Black Sea, inhabited by the Baschkirs, Kalmucs, and Cossacks of the Don and Tartary. From my friend, M. Vlangaly, Russian minister plenipotentiary in China, I have obtained valuable details, collected by himself among those pursuing a pastoral life in the central steppe, called by the Russians *Altai Duodantsi*, from its paying two tributes (to Russia and to China). The work of the Abbe Huc presents a fine collection of facts observed by him among the pastors of the East and the South. A profound study of this great Asiatic steppe is of great importance at the present day, for the promotion of social science and natural history. In regard to the physical formation of the steppes, the reader may consult the *Description of the Carboniferous Minerals*, by M. F. Le Play, 1 vol. 8vo., Paris, 1842, and for the customs of the nomads, the *Travels in Tartary*, by the Abbe Huc. Paris, 1853.

tures, many of these steppes feed numerous herds and flocks, and they create abundance without subjecting man to hard labor. On the other hand, distance from the great highroads of commerce prevents them from accumulating wealth, and from developing the vices to which this gives origin (§ 9). In the hierarchies established in these regions upon patriarchal or feudal traditions, corruption cannot invade, since each family, whatever may be its rank, can only gain subsistence by remaining in those isolated pasturages which afford necessary sustenance to their flocks and herds. Natural religion in some form impresses itself upon the minds of the higher class in pastoral life, by their contemplations on the grand scenes presented in nature.³ It is preserved in every family through the ministrations of one of its members,⁴ without the aid of a clergy.⁵ Under this regime, the head of the family governs his children and servants without the interference of any other author-

³ It was to one of the races sent forth from the steppes of Asia that Judaism and Christianity was revealed. It was also from among these races that the various religious systems of the ancient world had their origin. All travellers who have visited that region have remarked the intimate connection subsisting between religion and pastoral life.

"These good Moguls have minds essentially religious. The future life occupies them incessantly, and things connected with this world are as nothing in their view. They also live in this world as if they belonged to no particular place. They do not cultivate the soil or build houses, but everywhere regard themselves as passing strangers. This sentiment, by which they are so deeply penetrated, always accompanies them in their long journeys." (*The Abbe Huc*.) During the crusade of St. Louis, the good reputation of these pastorals of Central Asia reached even to France. (*Joinville, History of St. Louis*.)

⁴ "This shrine also contained an altar and a small image of Buddha. Nine copper vases of the size and form of our small liquor-glasses were orderly arranged before Buddha. . . . Some Thibetan books enveloped in yellow silk completed the ornaments of this little pagod. The members of the family, all of whom had shorn heads and maintained celibacy, were the only persons privileged to touch these books of prayer." (*The Abbe Huc*.)

⁵ Nevertheless, this family religion is connected with pilgrimages. The western nomads go to Mecca. Those of the centre, to the monasteries of Thibet or the countries inhabited by the Khalkhas.

ity. All the adult men of the community, trained from their infancy to the use of arms and horsemanship, provide for their own safety. To secure an effective local police, when this is required, many neighboring families unite together. Justice and power are thus spread around among the families living in the region of the steppes. Under these conditions, public peace preserves itself spontaneously, without any necessity to recur to sovereign authority, or to the chief of the tribe by whom it is represented. The best types of this social organization are found south of the Altai, far from all contact with civilized sedentary nations. Under these conditions, they have preserved most of the customs which the Bible refers to in the lives of Abraham, Isaac, and Jacob.*

§ 65.

RELIGIOUS INSTITUTIONS IN WHICH RESPECT TO GOD HAS BEEN BEST PRESERVED.

The people who form stationary populations do not possess the natural advantages which render it as easy for them as it is for the nomads to preserve good customs. Nevertheless, like the nomads, they always desire to ward off corruption. They also pretend to set themselves above all nomadic races in matters connected with intellectual, as well as of moral order. For this purpose, they always organize public religious institutions, placed under the direction of a clergy. In European civilization, comparative

* The Catholic Church, ever since its foundation, has manifested respect to this admirable family organization among the nomad patriarchs. All the marriage ceremonies make reference to it. In the most simple of these, the priest who marries the couple says: "May the God of Abraham, of Isaac, and of Jacob unite you, and extend to you their blessing." (See the work of Dom Martinus, entitled, *De Antiquis Ecclesia Ritibus*.)

observations show us people who pay reverence to God under very different regimes. These constitute the predominant characteristics of such people, and modify their manners and institutions.

In the Roman State, and in Russia, religion constitutes the starting-point of all their institutions. The Church and the State are united in the person of the sovereign, though under very different circumstances. At Rome, the pontiff has been endowed by the people with a temporal sovereignty. At Moscow, the temporal sovereign lays claim to the pontificate. In both these States, the priest, as the civil functionary, assists the government. In bad epochs, corruption reigns in both categories of the governing class. But these systems of religion, more firm than enlightened, maintain themselves in the hearts of populations under a regime of constraint preserved by tradition, punishing sceptics, and expelling dissenters.

In Turkey, all the institutions are equally derived from a sacred law. This exists not in an established Church, but in the Koran, a book. The minister of this religion is merely a reader of this sacred book. In it, God alone is recognized as the sole religious authority. The Council of Ullemas is only a body of doctors privileged to interpret the law. It is the duty of the sovereign to carry out the law thus interpreted; and it is under this authority that he exercises absolute power. In the spirit of the ancient Turkish constitution, faith is the distinctive qualification of the citizen. All those who believe are equal before God, and the sovereign is only the chief of believers upon earth. Faith exists firmly established among all who have not become corrupted by the exercise of power, or by contact with strangers. Up to the present day, four principal causes have operated beneficially upon the followers of Islam. The Koran conveys to the simplest of minds exact ideas in regard to daily duties to God, the importance

of a future state, and the vanity of earthly possessions. The habitual corruption of the races mingled with the Mussulmans increases the confidence of these in regard to the superiority of their religion. The serious difficulty presented by their institution of polygamy is thought to be balanced by its withdrawing from public sight those scandals which, during four centuries, the wealthy classes in Western Europe have openly displayed (§§ 15 to 17). By limiting themselves to reading only one book, Mussulmans have subjected themselves to a shameful state of ignorance; but they have escaped the infection of scientific scepticism (§ 39), and other false notions prevailing in the West (§ 31).

The three Basque provinces,¹ and six German cantons of Switzerland,² have preserved in all their purity the custom of grouping families into small local autonomies, and preserving the religious institutions of the Middle Ages. The Catholic Church is intimately associated with the State, and exerts over this a moral control by its doctrines and by its ecclesiastical hierarchy derived from the Papacy. The two authorities exist, in fact, in perfect accord. The civil powers forbid the establishment of any other religion. Their manners are in harmony with their institutions. With equal severity they condemn all sceptics and religious dissenters as conspirators against the State. The same causes have operated to preserve this regime in the above-named nine autonomies. Their inhabitants are formed into families with chiefs, who, with the help derived from regular emigration, unite in promoting the welfare of the people, and encouraging fecundity. They cultivate with their own hands, as proprietors and rarely as tenants, small estates scattered in the valleys with central habitations (§ 46). Like the nomads, they also occupy themselves in using the

¹ Biscay, Alava, and Guipuzcoa.

² Uri, Schwytz, Unterwalden (lower), Zug, Appenzell, Rhodes (interior).

mountain pasturages in common. Living far from the great high-roads of commerce, they have not been able to accumulate much wealth, or to construct large and populous cities; but they have preserved good customs, and habits of labor and frugality. The clergy, recruited from the most respectable families, add to religious instruction examples of wholesome practice. The professional governing class, whose duties are very simple, cannot exercise much unfavorable influence. The family heads, united by religion, by the practice of Custom, and by patriotism, understand how to execute for themselves in a state of tranquillity most of the duties of government, without recourse to functionaries or legislators. Although they hold themselves under the Spanish government, the Basques are, in fact, equally as independent as the Swiss, who maintain themselves under a federal system of government. Like the latter, they are indebted for the autonomy which they enjoy to the preservation of their religious faith, to their attachment to Custom, and to the indomitable courage with which they have always defended their local liberties against encroachments from without.

The natural conditions and the social organizations of the Basque provinces and of the Swiss cantons are also found, here and there, in some localities of small extent. In the west they have been greatly modified since the thirteenth century. Agriculture, in superseding pastoral culture, has led to increased intercourse between families, and thus tended to enfeeble the patriarchal regime (§ 6). Manufacturing and commercial populations have risen up in the midst of these countries, and cities have increased beyond measure, under the influence of rulers who have deserted their old rural establishments (§ 14). The clergy have become corrupted, and lost that influence necessary to maintain moral order. The sovereigns, by violating Custom, have destroyed the provincial and local autonomies,

and ruined ancient society by substituting for the Social Authorities and heads of families, the agencies of legislators and functionaries. In France particularly, the corruption of the clergy and rulers has caused the disorganization of religious institutions, at first by schisms and civil wars (§ 15), and afterwards by scepticism (§ 17). Public peace has been lost among us in proportion as disorder has invaded so many minds. It is only now maintained where people are found who adhere to religion. In this connection, England, the German States, the United States, and British America, stand in the first rank. This superiority is derived from a religious organization presenting, in summary, the following traits. A dominant faith not subjected to constraint; the various rival sects left to perform their duties with the utmost freedom. The Catholics in particular, when found under these conditions, are as deeply penetrated by their religious faith, and rendered more firm and enlightened, than they were in the Middle Ages, and, at the same time, animated in the highest degree with the spirit of proselytism. They, however, think it necessary to give their zeal a new direction, and occupy themselves less in discussing knotty points of doctrine. But they regard it as their paramount duty to refute those scientific pretenders who deny the existence of a Supreme Being, morality, and reason (§ 39). In the midst of the inundation of error, they have as natural allies all other Christian communions. The various groups of believers in the same country find themselves in front of scepticism, menaced, as the Christian nations were in the Middle Ages by the Mohammedans. During four centuries the great States of Western Europe have been unable to preserve prosperity except when under a regime of religious liberty; for it is only under such a regime that the rulers and the clergy have been able to make resistance to the dangerous temptations and power exerted by wealth.

Nevertheless, the necessity of this regime is not yet recognized by all religious believers.

In France, more especially, there are some Catholics who continue to demand for religious institutions that system of constraint which has generally prevailed in its civil institutions during the last two centuries (§ 41). But this error is more and more refuted by two facts, which at the present time appear to me irresistible; namely, the inability of a regime of constraint to preserve religious beliefs in the present state of society, and the disposition of religious denominations placed under a regime of liberty to resist the invasion of scepticism, whether social or scientific (§ 39).

To conclude; in all the social organizations comprised between the most perfect forms of nomadic life and the most complicated forms of stationary life, the people never prosper except where they manifest reverence to God. But whilst all are relying upon the same principles, their religious institutions vary according to the conditions of society. The pastoral nomads, less accessible to corruption than other people, exclusively practise a domestic form of religion, rendered complete by solitary meditation and pilgrimages to holy places. The small stationary nations, when they have not the means of enriching themselves or domineering over their neighbors, experience no difficulty in preserving their simple and frugal manners. They can then maintain their religion received from the State, and either united or separated from the pontifical or sovereign influence, but always to the exclusion of dissenters. Finally, great nations, when they have become wealthy and powerful, and greatly developed the culture of the liberal arts, readily abandon themselves to corruption and pride. After this, they can only preserve their prosperity by means of religious freedom, and by the proselytism exerted by all religious denominations united against sceptics.

§ 66.

CIVIL INSTITUTIONS WHICH BEST CONTRIBUTE TO THE
PRESERVATION OF PUBLIC PEACE.

It is with public peace as it is with reverence to God : it will not be preserved among stationary agricultural people as naturally as with pastoral nomads. In divers types of stationary people, the difficulty increases with the gathering together of families, the growth of cities, and the aggrandizement of nations. When corruption develops itself in the midst of the wealthy, and among the orthodox clergy protected by the secular arm against dissenters, this difficulty becomes almost insurmountable. Finally, when rulers deliver themselves up to corruption and arrogance, and at the same time trespass, without, upon the independence of their neighbors, and within, upon the autonomies of the provinces, and the rights of rural localities, cities, and domestic firesides, civil war becomes imminent.

Such are the causes which have led France into so many revolutions, and occasioned her so many vicissitudes (§§ 15 to 17). But, in the midst of this diversity of social systems, all our administrations have continued the work of the Valois in regard to everything relating to civil liberty and local autonomies. These have all been destroyed with a degree of blindness which has given rise to astonishment and censure in other nations. By imposing the weight of responsibility for the maintenance of public peace exclusively upon the sovereign and his functionaries, France has created a regime without precedent, and, in fact, has organized a system of periodical revolutions and civil wars.

Those nations which have preserved the benefits of domestic peace, have pursued a course the very opposite. They have not increased the authority of the ruling class, but have reduced this as much as possible. They have

reformed their constitutions by so modifying them that the personnel of the social hierarchy shall correspond with services rendered. Capacity to defend the soil has not been regarded as the only characteristic which confers pre-eminence. To the men capable of managing public affairs, they have associated those who excel in the direction of rural affairs and other fields of labor. This change has not been brought about by a revolution, nor even by the intervention of a written law. It has been gradually produced by Custom, as new necessities and new influences required. It has coincided with the development of the social interests of the State and the province, as well as in the local government and private life. But it has not left the two last-named subdivisions of social activity to be invaded by the rulers appointed by the two former. All these interests have been enlarged, but they remain as in all time, grouped according to the nature of things. The independence of private life and the autonomy of local government have lost nothing of their old traditions. They remain to-day, as in other epochs of history, the distinctive characteristic of those nations which enjoy public peace.

§ 67.

MODELS OF PRIVATE LIFE IN THE FAMILY, THE PLACE OF LABOR, THE PARISH, AND THE CORPORATION.

Independence before the public authorities exercises a singularly favorable influence over private life, the benefit of which is particularly manifested in the family. The father, seconded by the high ministration of his wife and son, his collaborator and associated heir (§ 6), exercises his sovereignty over the fireside and place of labor. He is left at full liberty to do anything he pleases which does no injury to other persons, or to the general interests of society. In prosperous nations, the family constitutes the

true type of social unity ; for it is sufficient in itself, and possesses all the essential elements of the most powerful nationalities. Better than any other social group, it recognizes reverence to God as the source of all prosperity. It has for its principle, testamentary freedom (§ 44) ; for natural family heads, the two parents ; for capital, the domestic fireside ; for territory, the surrounding domain (§ 46) ; and for its constitution, the family-head (§ 6). For agriculturists, the last-named principle (*la famille-souche*) would be the only one which, after a great catastrophe, could survive and soon regenerate prosperous nations. For, while perpetuating itself, it would, as in the days of the ancient patriarchs,¹ send out swarms of men fearing God, trained to labor, and knowing how to command and yield to obedience.² The possession of the domestic fireside (§ 24) is the trait of private life which best reveals the existence of those moral qualities necessary to all people. Under many excellent regimes, families have not the right to choose their sovereign. Under the best organizations of labor, they do not always own their places of labor ; but they are all proprietors of their hearths.

Most of the manufacturing establishments remain, as in times past, simple appendages of the domestic fireside. Among these, as in the family itself, harmony is easily maintained, provided they are connected with either of the regimes which secure stability (§ 6). The peasants who cultivate their small congregated properties (§ 46), and the numerous artisans who are proprietors of their firesides, places of labor, and some rural appendages, present, in every part of Europe, excellent models. The great

¹ Genesis x. 1 to 5.

² Under the two regimes of the stable family (§ 6), each head of the family, before taking part in the direction of the community, has himself been long under the direction of his father. This life-apprenticeship which Custom preserves among prosperous people is one of the sources of liberty and public order.

rural establishments under the direction of their proprietors, assisted by numerous families, have, ever since the beginning of the great epoch of the Middle Age, presented the best features of this social organization (§ 14). Custom, which I have already defined (§§ 19 to 25), had its origin in the domains of the great proprietors. It has propagated itself among their tenants of all ranks, and created comfort and harmony among all those whose good sense led them to preserve it. It has been adopted in the great manufacturing establishments which were developed at the close of the seventeenth century. As long as it has been respected, harmony has reigned in both the large and the small places of industry, whilst private life has at the same time maintained its independence in presence of the public authorities. / It has been far otherwise in localities in which the salutary usages of Custom have been abandoned under the pressure of influences which I have described (§§ 26 to 32). For want of forethought, communities have often been subjected to invasions of evil to which humanity had not hitherto been subjected. Public peace has often been disturbed, and the governing class led to intrude upon those provinces of private life which before had been forbidden to them. The deeds which are now done among the people where this intervention has been thought necessary, seem to indicate that the remedy is, in some respects, worse than the disorder. Here, again, the true cure must be sought for, not in dangerous innovations, but in the restoration of traditions and the imitation of good examples (§§ 62, 63). /

The *parish*, considered in its civil organization, appertains at the same time to private and to public life. Whether the State is identified with a particular form of religion, or tolerant to all, the parish is the first step in local government or the summit of private life. It is everywhere the line which separates private from public life. In Europe,

as in the greatest part of North America, the parish is established under the ancient social regime (§ 8); and even when, in a legal point of view, it is regarded as no more than a private institution, it is found admirably adapted to fulfil useful public service. Thus, the private collectors who, in free countries, levy upon the immovable property of parishioners a tax for the support of the Church, are in the habit of doing this without extra expense, by connecting the duty with the collection of taxes derived from the rural department, the city, or the province (§ 68).

Under all regimes, the parish has one principal design, that of furnishing the means of supplying religious instruction in common to many families living in the same locality. The authority which is to be exercised within these limits, is confided to the minister, seconded sometimes by a vicar, and always assisted by a council composed of the fathers of families,³ including dignitaries elected or designated by Custom. This last is frequently the case under regimes of religious liberty, when each parish is obliged to contribute all that may be required for the support of its religion. Those communities desirous of saving themselves from fatigues and loss of time incident to families in very extensive parishes, encourage the most respectable parishioners to build new churches. They also often unite with the ecclesiastical authority in giving to the founder and his descendants the title of patron, with the privilege of appointing new ministers. Among the various forms of religion, the best parish organization is recognized by the following characteristics: The minister, in the enjoyment of

³ With Protestant Presbyterians, this council intervenes in spiritual matters; with Roman Catholics, it is always charged with the administration of temporal matters. In England, where the parish appertains to the local government, the parished council takes charge by Custom of certain civil services (*La Réforme Sociale*, t. iii. p. 64); it is called the *vestry* (*la sacristie*), a word designating its principal function.

full independence, respecting, as much as is compatible with his functions, the authority of the fathers of families and their associates; the union of the minister and the laity as indispensable, in order to inculcate at the earliest age religious ideas to the child, whilst this is still engaged in learning its mother-tongue. It is particularly necessary to impress observance of the Decalogue in daily social unions. This usage is preserved, with the most beneficial results, by the Catholics of Canada and the United States, who were, for a long time, subjected to oppression exercised by the public authorities. In Europe, it has often been subjected to disorganization by the corruption of the clergy, the bad examples of absolute monarchies, and the aberrations of sceptics. But when threatened by scientific scepticism, the united efforts of the parish might, as in the times of the primitive Church, restore societies to the highest condition of prosperity. This truth remains unappreciated in France. But it begins to be comprehended by the German Catholics,⁴ with whom the initiative spirit has, during the last two centuries, been less completely stifled by absolute monarchism, clerical or revolutionary. The parish thus fortified by the association of the clergy and laity, submits itself in its spiritual relations to the authorities of its Church. But, while contributing only to defray the expenses of its religion, it remains perfectly free in relation to all other temporal concerns. It, moreover, carefully maintains itself in harmony and in the observance of its traditions, and

“The social evils of our time . . . make it more than ever necessary that all the faithful should unite themselves to their pastors, participate in the life of the Church, and display the full plenitude of Christian action. When, in an analogous situation, the ancient Church long ago vanquished the heathen world, . . . the ties by which the communities were united were so strong and firm, that even in the election of a bishop the voice of the people was heard. The establishment of this institution must depend upon a good understanding between the Church and the State. But, at the present time, a more general participation of the laity with the Christian and social life of the parish appears to us very desirable.” (*Address of the Archbishop of Treves.*)

when these duties are fulfilled, it remains in fact free from all constraint, religious or civil.

In proportion as civilization becomes perfected or complicated, various institutions become connected with these three elements of private life. Among these the most common are: primary and secondary schools for the instruction of youth; public courses adapted to all ages and all conditions; institutions for cultivating the liberal arts, and perfecting the common arts, improving the manners, and assisting those who prepare themselves to give instruction. With model nations, these establishments generally extend their action far beyond the limits of a parish, but even in this case they belong exclusively to private life. All those which can support themselves by revenues from classes are united into free associations; the others are placed in charge of corporations authorized by the sovereign to take possession of their property in perpetuity, or as may be indicated in the charter of the institution. These corporations owe their origin to donations and legacies made by individuals and families. They are managed by gratuitous services, according to the wishes of their founders, by patrons, or by trustees belonging to localities. These last never call for any aid from the public treasury, and, in fact, enjoy complete independence so long as they comply with the conditions of the charter, legally amended according to the necessities of the times.

Model nations interdict the ruling class from taking any part in the direction of these institutions, and also from meddling with matters connected with the parish, the manufactory, or the family. They hold in contempt those professional schools⁵ which give diplomas of fitness, with the signatures of public officers, or who directly introduce inexperienced youth to public employments. The same people severely condemn all interference by perpetual corpo-

⁵ *La Réforme Sociale*, t. ii. pp. 351-360.

rations with the affairs of government. In private life, as well as in public life, each authority will only surely contribute to the public good when it keeps within the limits of its own domain (§ 68).

According to the universal practice of free and prosperous people, the governing class exercises control over perpetual corporations; and it is practically for this reason that it withholds itself from taking part in their direction. This is always confided to individuals in private life. A capacity for conducting the affairs of the family and place of labor is the best recommendation for the suffrages of the contributors or patrons, who choose the officers of their institutions. These small social groups are the true schools for the local governments; and this, in its turn, is the nursery where those eminent persons are trained who subsequently take part in the direction of the affairs of the province and of the State.*

§ 68.

MODELS OF LOCAL GOVERNMENT IN THE RURAL DEPARTMENT AND CITY COMMUNE.

Agricultural families are not, like pastoral families, inclined to live isolated. After having provided the means

* The congress of the provincial press, held at Lyons, September 8th to 11th, 1869, endeavored to show how France, desolated by social antagonism, bureaucracy, and extreme centralization, could peacefully reorganize private life. Each delegate, reacting as much as possible against party spirit, earnestly exerted himself to represent the dominant opinion in regard to Social Authorities, entertained by those of his constituents who were most distinguished for their sound views. The congress was thus enabled to formulate many resolutions, which will be completed in a new union of political parties, which at present receive numerous adherents. According to the habitual tendency of the French mind, these resolutions demand especially a change in the constitution (§ 62, n. 2); but they begin equally to point out the necessity of changes which must be made in individual sentiments and ideas. Thus, for example, the congress indicates the necessity of giving to the individual, to the family, to the school, and to private associations, those attributes unjustly usurped by the State. It has comprehended that reform in private life shall constitute the starting-point to reforms in public life.

of showing respect and reverence to God (§ 67), they interest themselves in forming associations for securing public peace. Among those engaged at the present day in clearing up forests in many parts of the two worlds, such associations spring up in every direction from the same necessity. In proportion as families multiply, these are extended, and are infinitely varied in accordance with circumstances. Nevertheless, in the midst of this extreme diversity, there is a universal tendency in particular associations to group themselves for their common interests under two principal circumscriptions. Those engaged in agriculture, as well as those employed in explorations of mines and forests disseminated over the surface of a great territory, create the rural department. The other producing classes collect themselves in places favorable to commerce, and create the city commune.

The *département*¹ is instituted with the view of accomplishing one special object, that of securing the public peace of rural populations founded upon justice, and in case of necessity, upon force. In a good agricultural organization (§ 46), rural families interested in attaining this object, are widely spread throughout the country. On the other hand, where justice has to be dispensed by force, this involves considerable expense for the personnel. The rural department should, therefore, in the nature of things, embrace an extensive district.

The judiciary institution which applies to the daily necessities of families, is the correctional court. This takes cognizance of offences committed against persons,

¹ This term, as all others used in §§ 67, 68, to express a certain limit, or a function, has been applied with the special acception pointed out in the text, and not in the general or particular sense in which it is commonly used in the French language. Thus, for example, it is less applicable here to the district thus denominated in France, than to the order of things existing in England and the United States expressed by the term *county*. A similar observation may, in the same paragraphs, be applied to the words *magistrate*, *commune*, etc.

private property, and public order, with the exception of crimes punishable by death or by penal servitude. This dispensation of justice is confided to magistrates appointed by the sovereign from among the resident proprietors,² offering to the people honorable guaranties furnished by public opinion. When this class of citizens is numerous in the country, the magistrates exercise their duties gratuitously;³ and thus without being subjected to any heavy burden, they effectually suppress mischief even in the smallest parishes. This regime comprises three jurisdictions. In the first, each magistrate gives judgment at his own residence in small offences. In the second, corresponding with the union of parishes, several magistrates hold frequent sittings to try more serious offences, or hear appeals in decisions made by a single magistrate. Finally, in the third, many magistrates belonging to the chief place in the department, hold a limited number of sessions annually, to conduct trials for serious offences and hear appeals made against the decisions of the inferior courts.

The Court of Assizes punishes crimes which call for capital punishment or long imprisonment. It is held twice in the year, in the chief places in the department, by two judges of the supreme court of the province (§ 69). During each session of the assizes, the judges travel successively from place to place in the department or province, according to an order established by Custom, or by the decision of the judiciary authorities.

Finally, the civil justice of the department is limited to claims for debts and damages of little importance. It is conducted by a judge who passes frequently through the united parishes where the causes are brought up for trial. In cases where the interests in litigation are considerable, the two parties may, by a common consent, reduce the ex-

² *La Réforme Sociale*, t. ii. p. 71.

³ Such, for example, is the case in England. (*La Réforme Sociale*.)

pense and accelerate the decision, by referring the case to the judiciary for the department, with or without appeal to the provincial courts. Suits of minor importance, those especially which are connected with the special interests of certain kinds of commercial transactions, are decided by local magistrates connected with the principal centres of population.

The application of a jury to the decision of civil and criminal causes, is at the same time one of the most beneficial of the ancient European customs, and a means of getting rid of many serious difficulties existing at the present day. This institution secures to a few people many essential advantages. It tends considerably to reduce the number of professional judges.⁴ It consequently admits a better selection of these to be made, and keeps up the standard of high merit required for the exercise of their functions. It releases them from responsibilities by which they might be compromised, and thus secures greater respect to their character. But the principal advantage derived from a jury is the practical instruction which they give to people who are gliding down the declivity of false equality (§ 59). To these it daily demonstrates the legitimacy of a social hierarchy, established upon wealth united to talent and virtue. The same men who hold as an absolute principle the application of universal suffrage for the direction of public affairs, cannot fail to perceive the inconveniences occasioned by this same principle when applied to the decision of civil and criminal proceedings. Those partisans who exaggerate equality in political matters, are

⁴ The kingdom of Great Britain and Ireland, thanks to the concurrence of a jury and its resident local magistrates, are contented with only three hundred professional judges. With this personnel very well distributed and relatively economical, our neighbors give to the smallest localities a degree of security which we are far from obtaining in France, with our 9,400 judges so poorly paid, and yet having so much duty imposed upon them.

rarely disposed to press the logic of a false system to the point of submitting decisions in regard to matters touching their own individual interests, their honor and life, to juries composed, for the most part, of such citizens as those by whom they are commonly surrounded. Finally, under regimes of liberty where the knowledge of the machinery of taxation is familiarly understood, every one highly appreciates the advantages of an institution which reduces the costs of justice to the smallest limits.

The two categories of offences against public peace, are prevented and repressed, so far as possible, by the authority of magistrates and unarmed police agents, who, upon emergencies, possess the right to call upon all citizens to assist them. The force which the magistrate summons to his aid, is a militia reserved from the army. This militia musters occasionally for training. Its officers are chosen from among the resident proprietors, who, like the magistrates, offer to the people sufficient guaranties in their own good characters. A high functionary, chosen by the sovereign from among the magistrates of the department, directs the administration of justice, and intervenes in the nomination of agents who assist the magistrates and judges. A second high functionary, equally chosen from among the magistrates, commands the militia. They make all other appointments for this service, which are not reserved by provincial authorities or the sovereign (§ 69.)

The magistrates and their chief naturally direct the performance of certain services necessary to complete the two preceding; such are, the construction and management of prisons, buildings for the officers of justice, and the safe-keeping of the archives and equipments of the military. They, on the contrary, avoid interfering in cases which are strictly in the province of families, associations formed for the purpose of public utility,⁵ parishes, and parochial

⁵ *La Réforme Sociale*, t. ii. pp. 263-370.

unions. It is thus, for example, that, in most parts of England, the magistrates only give an indirect assistance in the construction and repair of roads.* Nevertheless, by the force of circumstances, the departments are bound to remedy certain evils which are developed by the accumulation of population and corruption of the people. It is thus that they provide more and more for the exigencies of the insane, often a great source of trouble or of abuse when retained as inmates of families, and who would claim from the public authorities a surveillance which can only be given in establishments specially appropriated to them, and placed under the control of magistrates.

The existence of the department, as that of the parish, is sustained by a financial organization of extreme simplicity, one of the guaranties of a free people. This regime is founded upon the exact valuation of the revenue derived from real estate. The principal care of the parochial councils and magistrates is to secure a correct estimate of this revenue. The two authorities who make the estimates for the parish and the department, give notice annually, to those who have to contribute, of the amounts which have to be paid upon every kind of property. Under such a regime, every family exercises a certain controlling influence upon the local government, for it has the means of comparing, in the smallest details, the expenses of each service with the advantages derived. The local finances of a free people are as simple and clear as those of centralized States are obscure and complicated. These qualities reside in the estimates, as well as in the levying of taxation, and, as I have already stated (§ 67), the parochial council gives its assistance in these matters to the authorities having control of the more extensive districts.

* The roads of most local importance are constructed and kept in order by the parishes. The bridges are in charge of the departments. (*La Réforme Sociale*, t. iii. pp. 68, 113.)

These details of departmental organization have special interest in the country where great estates have large populations collected around a common centre (§ 46), and where the families are consequently scattered over the entire country. They modify themselves according to the circumstances existing in places where the population is most accumulated. This especially happens where the ruling classes become dissatisfied with their country residences, and leave them; where commercial and manufacturing enterprises are multiplied; and especially where the department possesses maritime ports carrying on extensive foreign commerce. The cities then tend to domineer over the country, as happened with the ancient Greeks and Romans, and with the Italians in the Middle Age; and should their institutions not devote themselves to the preservation of good manners, corruption will ensue, followed inevitably by decline. Notwithstanding the wealth and power created in large cities, prosperity could be easily maintained in the rural districts, provided the ruling classes preserved their country residences and their legitimate influence. On the other hand, large cities enjoy a complete autonomy of their own. They exercise their freedom in regulating that multiplicity of common interests which do not exist in the country, and which originate from contiguity of habitations. From their population and wealth, some cities acquire an importance equal to that of the departments in which they are embraced, and, like the last, are represented in the councils of the province and the State, and are the seats of special courts, presided over by judges of the higher provincial courts. But this autonomy is rigorously confined to an isolated place¹ set apart by

¹ According to English custom, these city communes, situated in the provinces and maintaining a state of independence from the rural department, are embraced in an imaginary circle drawn around a central point established by law, having a radius of eleven kilomètres. The surface embraced contains 37,000 hectares. The laws relative to the local

custom or by law, with its accompanying town and outskirts, and it never trespasses upon the rights or privileges of the contiguous rural departments. Smaller towns equally possess a separate existence, and rights suited to their importance or their speciality.⁸ As to the small rural villages, they constitute portions of the rural departments. They are commonly the seats of associations for promoting public good, places for holding fairs and markets, and of sessions held by the civil judge or the magistrates. An admirable system of legislation, applied to these small towns, authorizes their inhabitants to take measures for securing public health by removal of nuisances, and especially for the distribution of water, of light, attention to drainage, slaughter-houses, markets, and unwholesome and inconvenient establishments. This legislation subjects those who give occasion to complaints to imprisonment or the payment of fines; but it allows full license to territories attached to these exceptional communities. These communities, as well as those more properly called city communities, are absolutely forbidden to resort to one of the most deplorable financial processes of the Middle Age, or to check free intercourse by laying a species of impost, which, after having been suppressed in France in 1791, was re-established in 1798, under the name of *octroi*. In the dense city population, as in the country, the financial service is limited to a tax on real estate and the products of certain communal supplies, such as water, gas, &c.

Certain countries containing dense populations have had these brought together under various influences. Among the most important of these are: the high reputation acquired by their cities as the abodes of the first lawgivers

interests of the population embraced in London refer commonly to circles concentrating in St. Paul's church.

⁸ See, for example, the excellent organization of city communes designated in England by the name of *boroughs*. (*La Réforme Sociale*, t. iii.)

of the human race;¹⁰ the admiration excited in a nomad or rural people by the cities of a neighboring nation;¹¹ the necessity which still exists among many agricultural populations of grouping their dwellings in villages to protect themselves from the inroads of brigands,¹² or the invasions of an enemy from the frontier;¹³ finally, the deplorable custom common to subdivided estates with populations grouped in villages (§ 46), which, in the midst of complete security, preserves antiquated customs without any hope of improvement.¹⁴ In countries subjected to such circumstances, agriculture is depressed by long transportation and small supplies of manures. The families become too numerous, tending more than under a regime of disseminated habitations to become corrupt and adopt the manners of the community. They then soon forget one of the first motives which lead families to form themselves into associations, that of being better able to fulfil their duties to God. The communal life, by its institutions as well as by its manners, tends to stifle parochial life.¹⁵

¹⁰ Example: the ancient lawgivers of Greece and Italy.

¹¹ The Gauls, after their invasions of Greece and Italy (§ 13).

¹² Again, at the present day, in many of the Southern districts of Spain and Italy, no one is allowed to build a dwelling-house outside of a village.

¹³ Most of the villages of Lorraine were founded under that influence. The same may be said in regard to many of the boroughs and towns of New England built in colonial times, when provision had to be made against attacks from Indians.

¹⁴ *Les Ouvriers Européens*, pp. 229-244.

¹⁵ The most crafty notables of the Reign of Terror, and those who were instrumental in transmitting to us in their most aggravated forms the evils and tyrannical customs of the ancient centralized regime in decline (§ 17), came generally from cities or subdivided domains. The better to study this sad organization, I have acquired a property in Champagne, the native place of Danton. (See some characteristics of this agricultural regime in *Les Ouvriers Européens*, p. 241.) All improvement in culture is there repulsed, and Christianity is so far forgotten that the priest charged with the spiritual direction of four ancient parishes has, in fact, only a sinecure. The social reform of these vast plains calls for two kinds of measures: restoration of the moral law, with its true ideas in regard to family and property; power given to

By instituting, after the revolution of 1789, a new local government, France has completely withdrawn herself from the influences of those pattern nations of which I have here given the principal characteristics. She has, at the same time, severed herself from the traditions of those epochs of prosperity, and usages possessed by the most prosperous people. She has dismembered her provinces, in contempt of the reserved rights and acts of union;¹⁶ and thus she has broken the forms, which, under the ancient regime in decline, preserved to localities a remnant of autonomy. She has finished the work of destruction by casting into the same common mould, two elements absolutely dissimilar:—great cities sufficiently enlightened to constitute States; rural parishes whose only foundation rests upon the combined influences of their local life. Finally, revolutionary France, by subjecting to departmental unity elements so entirely different, has flattered herself with having created an harmonious combination, in which all are placed under the domination of functionaries delegated by a central power. But this unprecedented regime has failed to fulfil the ends designed by its founders. It has never been in accord either with public order or with equity. In these times of trouble, the great cities have shaken off all authority,¹⁷ and the country, placed beyond the possibility of any

majorities, according to the arrangements provided by certain German laws; liberty to withdraw themselves from this regime, and construct concentrated domains (§ 46). (See *La Réforme Sociale*.)

¹⁶ Opinions which we have heard expressed indicate, that, in adopting this measure, the revolution has not attained the object which it designed. It has not strengthened the natural ties. The English government, in regard to Scotland, followed an entirely opposite course. In spite of the insurrections of 1715 and 1745, she has always respected the autonomy reserved by the Act of Union of 1707; and at the present time, in all international questions, Scotland has become more British than England herself.

¹⁷ These city usurpations, results of a false system, have already led our governments to deprive Paris and Lyons of liberties possessed by all other cities in the world placed under regimes so entirely different. With the anti-social sentiments now manifesting themselves, the same

safeguard to their liberty through union, has been subjected to oppression. Even in times of tranquillity, the country has lost all independence before the natural preponderance of cities, and the factitious usurpations of the State.

I know not, whether, under this sad condition of things, that reform so often demanded by the Emperor can be accomplished during his reign. Interested functionaries have asserted the total incapacity of localities to govern themselves, and, up to the present time, these have in such matters exercised an irresistible influence, and such will continue to be the case until some means shall be found capable of guarding us against passive submission and revolt. So long as the present moral condition exists, men devoted to reform will have but one means left of preparing for a better hereafter, — that of insisting upon the deep contrast which exists in regard to local government and its results ; between the condition of things as they now exist in France, compared with those existing in other countries.

Our principal rivals possess many precious advantages in their systems of government. Some of these, even in the most isolated places, contribute to the speedy repression and punishment of the smallest offences committed against persons and property. All the interests of the country, strictly separated from those of the cities, are governed in full sovereignty by the various authorities vested in the departmental hierarchies. In the exercise of their several functions, the authorities, both rural and urban, display that lively interest and prudent reserve which is compatible with their responsibility. They do not compromise this responsibility by going beyond those limits which are assigned by Custom and by law. In this connection neither takes umbrage of the province or the State.

regime of constraint will be fatally extended to all the cities with dense populations, if reform does not come to arrest our progress in this dangerous descent.

In France, the order of things is the very opposite. Plundering has become a permanent and sore evil to proprietors, and at the same time a school of immorality. This evil demands suppression, especially in consideration of the difficulty of obtaining speedy justice, and the advantages thus gained by offenders to escape reparation.¹⁹ No local authority exists which can protect the dwelling, or the road that leads to it, without recourse to the guardian power of the State, a process at once costly and discouraging. Independent citizens are little disposed to assume these local functions. The few who do exercise them are prone to exceed their authority, and are encouraged in their encroachments by a legislation which protects them against the complaints of the public (§ 54, n. 4). They are even led into this course by the law under which they were instituted. At the same time that they are restrained from regulating their affairs with freedom, this law, in fact, interposes a multitude of counsels connected with the exercise of other powers. This last practice is not only contrary to the experience of prosperous nations, it is condemned by reason and the natural instincts of the human heart. There is little wisdom in asking advice in regard to conducting the affairs of a strange domain, from men judged incapable of taking care of their own private estates. On the other hand, the man most capable of performing such duties will generally spare himself from labor and trouble which impose responsibility without conferring any honor.

This vice of our constitution cannot be too forcibly pointed out at an epoch referred to in the text for the eleventh time (§ 8, n. 12 and 14). If, through regard to the bureaucracy, the local authorities are persistently deprived

¹⁹ In the course of his agricultural travels, my son, Albert le Play, made daily observations of the evils existing in Limousin, from plundering and poaching, and has given an account of these in the journal *La France*, Feb. 1, 1869. The newspapers of Limousin have republished his statements with acknowledgments of their correctness.

of the opportunity of exercising a competent and active agency as a prelude to reform, their services might be dispensed with in fulfilling duties useless and compromising.

§ 69.

MODELS OF CENTRAL GOVERNMENT, IN THE PROVINCE AND IN THE STATE.

The province always exhibits a mixed character, holding a place between the local government and the State, like the parish between the local government and private life. The rural departments and the city communes cannot separately furnish the financial resources and necessary talents for the organization of certain services, such as the high judiciary, military force, and high instruction. They consequently associate to provide these in common. This association should not embrace all the territories of a large State. Neither should it place the governors of provinces too far from their localities, as this would not be advantageous in those populations where certain common relations exist, such as contiguity, natural productions, common labors, race, language, and history, independently of institutions properly so called. In rendering satisfaction to these several interests, the province exhibits itself as the crown of the local government. On the other hand, the province is, in two principal respects, the auxiliary of the central government. It exerts that control which, without encroaching upon the rights of private corporations, and the privileges of local government, prevents their abuse. It interposes in acts demanded by the general interests of the State. Finally, the province, studied from the best models of our times, is the essential basis of three groups of institutions which could not be organized within less extended limits, namely, the supreme courts, the army corps, and the universities. It also naturally claims a fourth

institution, that of the provincial government properly so called.

The most necessary institution of the province exists in the supreme courts. These best exercise their functions when three in number. They pronounce judgment in conformity with the general laws of the State, and special prescribed laws. Independently of their professional duties, they provide for a great social interest; they preserve the legitimate autonomy of the province by conciliating, through the exercise of their jurisprudence, the text of these laws with local customs, and providing for any new necessities which may spring up.¹ They are equal in rank, constituted in the same manner, and equally composed of a small number of judges.² They intervene under the same title, in the decision of civil and criminal cases, and each fulfils before the two others, the part of a court of appeal. They furnish the judges who preside over the assizes of de-

¹ Special legislation, which is a necessary guaranty to local liberty, equally results from respect of customs, the acts of jurisprudence, and even the diversity of written laws. The Parliament of the United Kingdom often gives special laws to England, to Scotland, and to Ireland, and thus confers additional advantages to the autonomies reserved by the two last-named provinces in the acts establishing their union. Diversities in legislation are, at the present time, still more strongly marked in the eight provinces of Prussia. By respecting, ever since 1815, the Code Napoleon on the left bank of the Rhine, Prussia has furnished a proof of political wisdom, which France has not shown by recently imposing this same Code on Savoy and the district of Nice, in spite of the vote of their populations (H). The past and the present both teach, that the Prussian system is equally as favorable to unions, and even to annexations, as the system of compulsory uniformity of the French revolution is hostile to them. The French monarchy is, in fact, constituted under a regime of provincial autonomies which Prussia preserves, and which Austria makes slow attempts to reconstruct. In breaking up this regime by violence, and in contempt of rights reserved by the acts of union, the revolution has committed an act devoid of intelligence and justice.

² The number depends upon the necessities of the courts of assizes. In England each court has five judges, including the chief or president. The fifteen judges of three courts suffice to render justice in fifty-two counties, having populations nearly equal in numbers to the French departments. (*Réforme Sociale.*)

partments in the large cities (§ 68). They give decisions in all civil cases, with the concurrence of a jury, and in appeals made in cases tried before other judges of the department (§ 68). Equally situated in all which relates to the general organization of justice, the three courts are distinguished by a division of the several categories of causes. Such are, actions relating to patent rights; and, among a free people, those especially connected with wills, and with trusts (*fidei commis*).

The army corps, comprising all the elements necessary to carry on the great operations connected with war, has, from causes which I shall hereafter state, become the true military unity. By perfecting the measures adopted by other nations, Prussia has for a long time subordinated the division of her eight army corps to eight provincial districts.* The motives leading to this organization are striking, and must hereafter be judged of by success. The amount of population necessary to constitute a province, furnishes at the same time the means of raising a good army corps. In times of peace, the expenses of the public treasury and those of individuals are reduced to their narrowest limits. Officers and soldiers pay frequent visits to families in the vicinity, with whom they live in a state of apprenticeship, or go to the chief stations of battalions or regiments, and there participate in manœuvres and camp instruction, — when war breaks out, the entire corps unites under conditions known to each, with the least expense

* A ninth corps, that of the royal guard, possesses a special organization, and is recruited from all the provinces. This corps is subjected to expenses relatively high. But the provincial organization of the eight other corps is so economical, that the army in 1866, which amounted to an effective force of 200,000 men in time of peace, and could be increased to 600,000 men, cost annually only 145,000,000 of francs. At the commencement of my travels in Prussia, I was very much surprised to learn, from reading the notices on posts methodically placed on even the smallest roads, that the provincial divisions (communes, circles, regencies) are in complete correspondence with the companies, battalions, and regiments of the *landwehr*.

of time and money. The provincial army corps also offer great advantages in preserving political and moral order. During our epochs of social antagonism; sudden revolutions, and compulsory annexations, the people are very grateful when they find themselves placed under the protection of their own children.

The *universities*, by their courses of instruction in the higher branches of literature and science, complete the primary and secondary schools. In many respects they are the necessary crown of local institutions. They aid families, without being subjected to any very heavy expenses, and under their immediate surveillance, to develop the high talents of many young men (§ 23). They thus extend their influence over all the region in which they are established, and in a manner, elevate the standard of intellect at each fireside. They preserve to this region its legitimate individuality, by giving special attention to the nature and history of the race, and in this way they contribute to general science its most precious materials. The intimate union of universities and the province is therefore a natural result of things, and is spontaneously formed in all nations as soon as these apply themselves to the culture of the sciences and literature. It has raised to high renown the Arabs of Asia, Africa, and Spain. It has, ever since the Middle Ages, preserved the superiority of the Western nations of Continental Europe. From the eleventh to the thirteenth century, scientific and literary institutions were created in all directions in the city communes (§ 14). These gradually gained the confidence of families and acquired renown.⁴ Established under a regime of perfect liberty, these everywhere gained a great influence, thanks to the solicitude of the Social Authorities

⁴ It is the universities which have furnished the principal elements forming our historical museums, the plan of which has already been described (§ 10, n. 7 to 9).

(§ 5), to the superior merits of native instructors, and the devotion of teachers obtained at great expense from other countries;⁵ to donations and legacies from the wealthy inhabitants of the provinces; to the gratitude manifested by pupils which had been elevated to high positions; and, lastly, to the sovereign who secured by charter the success of these great establishments by giving them the character of public institutions. These charters of the ancient European system, respected even at the present day by the people of prosperous nations, debarred monopolies. They established in each region at least two rival universities,⁶ and thus, without any intervention of public authority, secured the most perfect methods of instruction and the control of doctrines. This salutary rivalry of lay universities was often strengthened by the intervention of religious corporations.⁷

The French revolution, by destroying the privileges of our free provincial universities, and the First Empire, by creating the monopoly of one university in the State, have broken up national traditions, and the established customs of all other civilized nations. At a time when fundamental

⁵ In the Middle Ages, this scientific and literary union was singularly favored by a unity in language. Towards the middle of the thirteenth century, Albert le Grand, the master of St. Thomas d'Aquinas, was successively professor in Paris, Pesth in Hungary, and at Cologne. He was everywhere followed by crowds of disciples and devoted auxiliaries.

⁶ It is under this influence that the following universities simultaneously prosper:—In England, Cambridge and Oxford; in Scotland, Edinburgh and Glasgow; in Highland Scotland, St. Andrew's and Aberdeen; in Languedoc, Toulouse and Montpellier; in Saxony, Leipsic, Halle, and Wittenberg, etc.

⁷ In France, the opposition raised against our twenty-three universities was chiefly composed of Franciscans, Dominicans, and Jesuits. Up to the revolution, the necessity of this regime was highly appreciated. Cardinal Richelieu refers to it in the following terms: "Since the weakness of our human condition stands in need of some balance to our actions on all occasions, it is most reasonable that a rivalry in teaching should exist between the universities and the Jesuits, to the end that they may be stimulated to virtue." (*Testament Politique.*)

principles are shaken, when the most insane doctrines claim the right to be protected, the present regime raises up dangers against public peace which no human sagacity can put down. In spite of the admirable efforts of individuals, it has already led to a decline in the culture of the sciences and literature. This fact may still be kept concealed under official declarations and by an ill-judged patriotism. It is, however, made apparent by the most striking evidence, furnished through a comparison of the present situation with that which existed a century ago, when the Academy of Berlin was founded under the direction of the French savans. The wound inflicted upon our nationality is already very severe, and can admit of no other remedy but a return to liberty. In this single point of view, the restoration of provincial life, and of testamentary freedom (§ 45), will be a primary necessity to reform.^a

The provincial government is confided to a high functionary appointed by the sovereign. In fulfilling his mission, the governor confers upon the people, as much as possible, all the advantages derived from sovereignty. He also establishes permanent liens between the executive authority and the local powers derived from the influential individuals in the province. He thus maintains the regular order subsisting between local and private privileges, and the preservation of public peace. In various points of view, the provincial government is the intermediate power granted by the sovereign will. It operates in concert with

^a It is especially in regard to the personnel of the university that it becomes necessary to repeat the remark already made in reference to the magistrates, functionaries, and ministerial officers (§ 54). Reform should not deprive any of the situations they have acquired, but in most cases improve such situations. It would thus retain those celebrities, who, with us, now abandon science for offices better compensated by the administration. Science is better endowed by the will (§ 46), under a system of liberty, than by the budget under the monopoly of the State. In the small city of Boston (United States), the institutions for high instructions have recently received, in the course of fifteen years, the sum of 12,200,000 francs.

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the parish, the rural department, city commune, and province, its extent fixed by the nature of things. Great States embrace many provinces,¹⁰ sometimes even the largest portion of a continent.¹¹ The small States are reduced to a single province,¹² to one department,¹³ to one city,¹⁴ and to a union of rural parishes.¹⁵ The State province, or even the State department, especially when confined to a maritime shore,¹⁶ may have associated with it various territories, the productions and industries of which correspond with the aptitudes of its inhabitants. Hence it may form a complete nationality. Such small States can do but little to impress upon humanity that powerful impulse which emanates from the great States when all the forces of these are directed towards the good. But they never, like some of the last, present a spectacle of unchained corruption, and triumphant injustice.

The model continents are those in which a small number of large States have been separated from each other by a multitude of small independent nations. This organization prevailed in Europe after the peace of Munster (1648); it still existed, to some extent, after the peace of Paris (1815). It has been greatly changed in the last few years, in contempt of the rights of the people, and the most ancient traditions. Europe will soon lose her preponderance of power, if this disorganization should be accomplished, while the system of smaller States confederated continues to develop in North America (§ 70).

¹⁰ The United Kingdom, 3 provinces; Prussia, previous to 1866, 8; Austria, 18; Saxony, 13. Ancient France, at the epoch of the revolution, composed of 83 provinces.

¹¹ The United States.

¹² Saxony, Prussia, Belgium, Bavaria, Denmark, and Portugal. The Grand Duchy of Baden, Servia.

¹³ The Swiss cantons; the Republic of San-Marino.

¹⁴ The Netherlands; Belgium, and Portugal.

¹⁵ W

The State has general duties similar to those of the subdivisions of which it is composed. Like these it is especially bound to preserve public peace founded on reverence to God. But the means of performing this duty are not more uniform at the present day than they were in the Middle Ages, and vary in accordance with the conditions in which the State is placed. Since the corruptions of the sixteenth century (§ 15), the system of constraint has not been able to secure public peace by religious authority except in very small States where simple and frugal customs prevail.¹⁷ The great States which have adhered to this regime, at one time rich and powerful, have fallen into decline.¹⁸ Those which only established religious liberty to abandon themselves to scepticism, have experienced a similar fate. Those, on the contrary, which have become attached to modern liberty while remaining faithful to their ancient religion, have seen their prosperity increased. These owe their success to the aid derived from two different regimes. Under the first, the State continues to place an official form of religion in the first rank of her institutions. Under the second, it has no legal attachment with any one form of religion. But the ruling classes and Social Authorities (§ 5) unite in showing good examples and paying respect to those customs which confer the benefits of religion to localities (§ 8). The four North American provinces (§ 70, n. 6), which have recently confederated under the sovereignty of England, now present to Europe excellent models for imitation, both in relation to government and religion. Without reference to the principle of Church and State, they succeed more and more — thanks to those individuals who take the lead, and to free associa-

¹⁷ Especially in the three Basque provinces and six small Catholic cantons of Switzerland (§ 65).

¹⁸ Russia has, nevertheless, preserved her prosperity under this regime, thanks to her admirable race of peasantry and the predominance of rural and pastoral life. (*La Réforme Sociale*, t. i. p. 118.)

tions — to strengthen religion and to gather the faithful into distinct communions. . In Upper Canada, the Episcopalians of the Anglo-Saxon race have voluntarily renounced all traditional privileges which belonged to their metropolitan religious organization, introduced into the country by right of conquest (1763). Their religion, nevertheless, prospers more than ever; and their ministers remain endowed by the voluntary offerings of the faithful, equally as well as they were previously from appropriations made from tithes collected from all religious denominations. In Lower Canada, the Catholics of the French race continue to enjoy this same system of liberty, of which they gave the example to those by whom they were conquered and sometimes oppressed. Thanks to the vigilant proselytism which has been successively inculcated by persecution and by liberty, they have victoriously defended their ancient territory against the colonization of Protestants. The same sentiments prevail more and more in regions colonized by Presbyterians. Thus in the whole confederation (§ 70), the different religious denominations enjoy advantages which contribute to the unity of their faith, without being free from that emulation which naturally displays itself between neighboring religious sects, and also without being tempted to persecute their rivals, as was done in a former age.

The special duties of the State are those which cannot be conveniently accomplished, either by the local government or by individuals. They have for their main object the organization of the sovereignty, and the services which it delegates to the various parties who compose the social corps. The institutions which provide for this double necessity vary according to the extent of the territories. With very small nations, the local resources are not sufficient to support a sovereign, an army, or even a high court of justice. Under such circumstances, the sovereignty is

conferred upon two neighboring nations, which by mutual agreement maintain peace for their protégé.²⁰

In the Middle Ages, Europeans made an advantageous application of this system, and they have not improved their mutual relations by abandoning almost everywhere this, with other customs which tended to preserve union and harmony. All the Western nations at one time being under similar religious institutions, their civil institutions exhibited a perfect uniformity. In this state of things, social antagonism, created by schisms and religious wars, suddenly gave rise to extreme diversity. Since the sixteenth century, many kings have usurped absolute power under pretext of securing to their subjects the benefits of religious harmony and unity of faith. They have introduced many innovations corresponding with their personal passions, rather than with the general interests of their subjects. But absolute monarchs, by their excesses and exhibitions of selfishness, have, little by little, fallen into discredit. In proportion as individual liberty and the local autonomies are restored, uniformity will rise up spontaneously with the identity of interests. It will be progressively re-established under new conditions of manners and institutions. Some of the model nations have already proved by their examples that religions may be firmly maintained under systems of religious freedom (§ 65); that the local liberties of the Middle Ages were better adapted to secure public harmony than the centralized power of the Lower Empire (§§ 66 to 68). In fine, that the ruling classes, when devoted to the defence of the soil, can be advantageously completed by a new hierarchy, founded upon the peaceful industries. These examples have not yet restored to all Europeans the liberties taken from them since the sixteenth century by the usurpations of monarchy. But

²⁰ The Republic of Andorra reports itself to France and to Spain. The nomad pastorals near the Altai depend upon Russia and China.

they show us the almost universal advance towards the representative system, that is to say, towards a government which combines most of the good features of European nations. Upon this subject it would be of little use to insist upon considerations with which the reader must be familiar. I shall, therefore, limit myself to pointing out in a few words the essential characteristics of central government, as established at the present day by nations which are the most distinguished for their success.²²

The principle of sovereignty exists in the entire nation. It is in fact delegated to three groups of authorities, corresponding with all the great social interests, namely: A dynasty, with the sovereign established on the right of primogeniture. Two assemblies, consisting of a senate and house of representatives. The senate is renewed partly by hereditary right, and partly by appointments made by executive power.²³ The house of representatives is elected for a small number of years by the suffrages of the people. The body of electors comprises all citizens furnishing a sufficient evidence of permanent interest, and consequently of their devotion to the general prosperity of the commu-

²² In this respect, England stands pre-eminent among the model nations. This superiority is manifested by one very conspicuous characteristic. She is the nation which, during the century past, has preserved most reverence to God and respect for public peace, notwithstanding the formidable counteracting influences emanating from her great wealth and power. I request any reader who may not be familiar with the British Constitution, to consult the description which I have given of this in my work entitled *Social Reform* (vol. iii. p. 27 to 256). At the same time, I invite him to compare this constitution of a rich and powerful nation with that of nine small nationalities, namely: the three Basque provinces and six small Catholic cantons of Switzerland (§ 65). Thanks to their frugality and simplicity, these model States have maintained harmony and their faith during many centuries. Notwithstanding their numerical weakness, they have successively preserved their independence against the unjust aggressions of the great neighboring States.

²³ When there is an established religion in the State, the ecclesiastical dignitaries make a part of the senate. In the United Kingdom, of 457 members of the House of Lords, 30 bishops of the English Church are included.

nity.²⁴ It is subdivided between the localities in such manner as best contributes to the exigencies of the rural departments and city communes (§ 68).

A nation exempt from the animosities which give rise to strifes in regard to the principle, or the personnel of sovereignty, concentrates its attention upon such reforms as are best adapted to preserve the good, and repel the invasion of evil. With this object it divides itself into two parties, instigated by different impulses. The first party will show a predilection for preserving the traditions of good, even when these are associated with certain abuses. The second party devotes itself in preference to seeking after the best. The conservators and the innovators agree upon all the essential principles of societies, that is to say, upon the distinction between the good and the evil (chapter i.). They equally acknowledge that the reign of the good should be established, not by violence, but upon a peaceful concurrence of opinions; and, in general, they only disa-

²⁴ I have been often assured that this is the principle followed out in countries under free institutions, having electoral systems. This principle prevails in America as well as in Europe. It was adopted in practice, under the British sovereignty, by the colonies which, since 1789, have become the United States. It was expressly formulated in most of the States during their war of Independence. Thus, the written constitution of the State of Delaware contains the following text: "*Art. 6.* The enjoyment by the people of the right to participate in legislation is the foundation of liberty and of all free government. . . . Every freeman giving sufficient evidence of permanent interest, and the attachment which this contributes to the good of the public at large, is entitled to the right of suffrage." In States called democratic, where the local hierarchies, established upon labor, talent, and virtue, are destroyed, it is more difficult to carry out this principle than it is for monarchies to conform to a duty enjoined upon the sovereign to be the servant of his subjects. It is still more difficult to remedy, even by recourse to revolutions, the corruption which invades social circles. Such States have therefore, in all times, among wealthy nations, been most quickly struck with irremediable decline. In spite of their admirable conditions at the time of their separation, the United States are already running upon those shoals where so many governments of the same kind have been stranded; that is to say, exclusion of talent and virtue, and corruption of suffrage to the profit of rich or unscrupulous men (§§ 8 to 60).

gree in regard to the choice or applicability of measures. The salutary rivalry by which the speakers, writers, and active men of this true regime are instigated, is entirely owing to their differences in appreciation. Supremacy is gained by one party whenever corruption, indolence, or wild schemes bring the opposite party into temporary discredit. The sentiments and interests which animate and sometimes lead the nation astray, are commonly manifested in the house of representatives, where a direction is given to affairs which would sometimes be irresistible were it not moderated by the intervention of two other powers. In regard to the events which occur, or the questions agitated, each of the two chambers represents more or less the spirit of tradition, or of novelty. But one or the other is always restored to unity of action by public opinion. When this opinion is unanimous, the sovereign sanctions, rather than directs, the march of the government. In doubtful cases, that is to say, when the conservatives and innovators are neutralized, the sovereign, if he has acquired a personal influence by his talents, really takes charge of the public affairs. Under this regime, prosperity may, however, be maintained even when the sovereign is incapable or vicious. But, whatever may be the virtues and talents of the last, decline is imminent when the mass of the electoral body suffers itself to be invaded by corruption.

The legislative power is established upon the accordance existing between the sovereign and the two houses. In epochs in which moral order and prosperity prevail, nothing more is required than to establish manners and institutions under the beneficial influences of Custom; after which the essential function of parliament limits itself to controlling the governing class, determining the composition of the army, and fixing the quotas of the various imposts. In epochs of decline, when the electoral corps preserves the idea of the good, the parliament has, on the con-

trary, for its principal function the application of the written law to counteract deviations from Custom, the aberrations of individuals, and the corruption of the governing class.²⁵

The executive power proceeds in principle from the sovereign, and, as I shall hereafter explain, it might be effectively placed under his direction in cases where public opinion became inefficient. Whatever may be the leading idea, this is submitted for deliberation to the privy council,—for execution, properly so called, to the grand dignitaries, to ministers, and to committees. The privy council includes all the notabilities who, under previous regimes and in various specialities, have given proofs of their great capacities to govern the State, the provinces, or the colonies. It never assembles in full body, except on momentous occasions, especially in the event of a marriage, of a fortuitous incapacity, or the death of the sovereign. According to common custom, it is composed of small fractions consisting of persons who, according to the appreciation of a directing mind, can contribute useful advice. As to the persons charged with the execution of affairs, they assemble more frequently, and give direction in regard to six principal services.

The service of justice rests upon the action of the State, as well as upon those of the provinces and localities. Placed for the most part under the direction of a great dignitary, it

²⁵ The want of power in the written law to create a stable constitution is perfectly understood by all nations who remain prosperous under the empire of Custom. This truth has not been recalled to our attention since the revolution, except by a small number of Social Authorities and eminent writers (§ 61, n. 2). It remains generally unknown among those who have the direction of public opinion. To produce a reform, the vote of a law of constraint, or the appointment of a new minister, is generally demanded. In this way, the spirit of innovation not being held in check by Custom, abandons itself to the most dangerous outbreaks. Many writers guard themselves against exaggerations; but they create false impressions upon minds by estimating the prosperity of a State according to the number of laws which parliament has passed.

takes cognizance of all the contested affairs of the State, and, in general, of those which, from particular circumstances, escape the jurisdiction of the local and provincial courts. It intervenes with the sovereign in regard to certain appeals, and petitions for pardon, and the nomination of judges and magistrates. This grand dignitary presides in the senate, and also takes part in a multitude of the acts of the public administration, in which it is thought proper to strengthen the action by applying the seal of the State.

The financial service holds the first rank in the administrative hierarchy, since it furnishes the resources necessary for all the other services. It is completely subjected to the will of that statesman who, having accepted his authority under the condition of carrying out the designs of the administration,²⁶ performs the part of prime minister. His views are carried out by a special minister, and by high functionaries, some of whom are, in fact, immovable, possessing the authority due to magistrates.²⁷ He collects all receipts, and controls and pays the expenses of all the services. In this respect, France departs still more completely from the usages of prosperous nations. She consequently presents in three principal departments of her public administration three great defects: in the local government, the abusive centralization of the State (§ 68); in the province, the absence of the most necessary institutions; in the central government, a scattering of authorities incompatible with the good regulation of the finances.

The service which has direction of the public forces approaches nearer to perfection as it is rendered more simple and less expensive. These characteristics are presented

²⁶ In England, the directing minister is always styled the First Lord of the Treasury. In France, under the ancient regime, the same situation was held by the Controller-General of Finances.

²⁷ In England, one of these functionaries, the Controller-General, receives a salary equal to 50,000 francs; and he cannot be removed except by the express demand of the two houses of Parliament.

by nations living in social harmony, where citizens are penetrated with a sense of justice, and also where there is no room to suspect hostile invasions from neighboring nations. These model people secure internal peace by means of a local police, the agents of which, sustained by the unanimous consent of families, avail themselves of no other arms than a harmless emblem of public authority.²⁸ Against certain exceptional eventualities they provide a local militia force; but the magistrates are bound in honor not to employ this except in cases where their authority is not sufficient to afford protection against disturbances of the peace by recourse to unarmed citizens.

A nation which is not protected against all chance of aggression, and which is under the necessity of keeping up a standing army for its defence, resorts to all possible means of lessening its inconveniences and expenses. The land and sea forces are exceptional institutions, and are only kept in legal existence by the annual sanction of legislative power.²⁹ Permanence only exists, in fact, with a small part of the army devoted to certain duties which demand constant exercise. The complement of the army is the local militia or reserve, which can equally be formed in line or embarked without delay. It is composed of married men, the conditions of whom singularly vary, according to the political or agricultural character of the country. In the Eastern region (§ 9), they everywhere exhibit the character of the soldier. Thus, in Sweden, they manage small rural properties furnished them, as soldiers, by the State.³⁰ Upon the lower Danube and in Russia, they constitute military colonies established on territorial domains. These colonies are formed either of unmarried soldiers supported by rural families who thus become acquitted of

²⁸ See Section 2.

²⁹ In England, soldiers are not bound to obey their officers except Parliament has previously passed the law called the Mutiny Act.

³⁰ These soldiers form the army called *Indelta*.

rents due the estates;³¹ or of married soldiers, who, with their families, cultivate a territory on condition of furnishing the State a certain force. In the central region, the soldiers of the reserve have all the characteristics of citizens. They enjoy at their firesides the advantages of private life, except the obligation by which they are bound to take part annually in the exercises of the school of instruction.³² In countries where this regime is traditional, the army possesses a character essentially departmental and provincial. The officers, in their several localities, form influential hierarchies; they usually enjoy the respect attached to the possession of a rural estate and an hereditary reputation. While, as soldiers, they are always ready to shed their blood in the cause of their country, they find their greatest satisfaction in peace.

Unfortunately, the great European nations do not organize their armies for the sole purpose of defending their territories against invasions from their neighbors. In the mutual relations of States, the established principles of justice are openly violated without exciting indignation. Eternal principles are substituted in the heart by vague rules, which vary according to the passions of the moment. To the four commandments interdicting homicide, false testimony, covetousness, and robbery, pretended aphorisms are substituted, made to suit every condition, geographical, ethnological, or philological,³⁴ or any other

³¹ In Russia, the Cossacks of the Don, and the line du Kouban.

³² In Prussia, the Landwehr of the first ban. The efficiency and economy of this regiment results from its being altogether a local and provincial organization. Each province has its complete army, which embraces the permanent force and the reserve, that is to say, the two bans of the Landwehr and Landsturm.

³⁴ It is thus that there has been created in our day, founded on the analogy of languages, that dangerous and unjust doctrine called *the nationalities*. In this new point of view, the smaller nations established long ago, with the languages of Italy, Germany, or Slave, may be obliged to resign their autonomies in favor of their more ambitious neighbors. In the same point of view, the Swiss, one of the most re-

branch of knowledge which is a stranger to morality. In this condition of mind, the rights of people are violated without shame, that is to say, the customs which prevailed in civilized nations in the best times, and the application of the law of the Decalogue to their mutual relations. They especially dispense with formalities which, in well-constituted States, precede the declaration of war, and give to the contest a legal character, which releases soldiers from that responsibility imposed by the Fifth Commandment.³⁵ Certain governments, great or small, openly set forth a pretended right to possess themselves, by force or craft, of the territories of their neighbors. Others, less ardent or more dissimulating, hold themselves ready to profit, without scruple, of any opportunity of aggrandizement which may be presented to them. To achieve their ends, the governments imbued with these pretences are no longer contented with the small standing armies which were

spectable nationalities in Europe, may be compelled to completely disappear, and be parcelled out into three groups, French, German, and Italian.

³⁵ Several religious communions maintain that the Divine law formally condemns the profession of the soldier and the institution of standing armies. Among other Christian sects, the Society of Friends (see *La Réforme Sociale*, t. i. pp. 131) have adhered to this doctrine since the commencement of the seventeenth century. By the strength of its convictions, it has succeeded in making its scruples respected among the governments established by the Anglo-Saxon race, in all which relates to the Second and Fifth Commandments. Thus we read in the Constitution of the State of Delaware (United States): "*Art. 10.* Every man who has conscientious scruples against bearing arms, cannot in any case be compelled to do so, if he pays an equivalent." In this point of view, the Friends, by applying the spirit of charity, place the poor members of their society in a condition to reconcile their religious scruples with their civil duties. The spiritual necessities of this society are no less imperative than the necessities of the body. This regard for religious convictions in a sect remarkable for its submission to the principle of equality, is the antithesis of that scepticism and absolutism inculcated to Frenchmen by the ancient regime in decline, and by the revolution. This comparison is well calculated to show to reflecting men, the inferiority which would be impressed upon our race by an exaggeration of the spirit of equality (§ 59), under a regime which bestows little attention upon moral order.

developed from the sixteenth to the eighteenth centuries by absolute monarchs. They organize armies in all their provinces, prepared to assemble and be put in motion so quickly, that in the course of a few days they can be suddenly hurled upon the coveted territories.³⁶ Should they definitely be employed in the ways thus opened, these armies, in the hands of those who have them at their disposal, will be what motive power is in the manufacturing regions—set in motion whenever any new process of destruction is discovered, giving to the possessor of the invention a momentary superiority over his rivals. That pretended progress, of which some people so much boast (§ 58), will have brought back civilized nations to a state of barbarism. The empire of force has already so much dominated the spirit of justice, that the great nations seem to have lost all hopes of remedying the evil by means of congresses. Thus has the system of armed peace become as disastrous to our people as the prolonged wars of former times. Such a state of things cannot be perpetuated in Europe without leading to decline.³⁷

³⁶ David Urquhart is the man of our day who has most clearly and forcibly pointed out the evils let loose upon Europe by forgetfulness of the rights of the people. I cannot sufficiently recommend the perusal of what he has written and published upon this subject. Those of my compatriots who are not acquainted with the English language may obtain some idea of his labors by consulting the articles in French, in a London periodical called the *Diplomatic Review*. Also, the *Appeal of a Protestant to the Pope for the Re-establishment of the Public Laws of Nations*. Pamphlet, Paris, 1869.

³⁷ This situation comes from the same necessity which gave rise to the feudal monarchy existing in France in the thirteenth century. The following passage admirably describes the cause of the extraordinary ascendancy acquired by St. Louis: "In regard to the subject of foreign nations which the king had reconciled, one of his counsellors told him he was wrong in not letting them go to war with each other. For if thus left to impoverish themselves, there would be no more danger from them until they again became very rich. To this the king replied, that he had not said well; *for if the neighboring princes perceived that he left them to fight among themselves, they might counsel together, and say, it is a wicked act in the king to allow us to destroy each other. Then would hatred be roused against me, and they might come and destroy me, and all this without taking into account that I should also incur the anger of God, who has said, 'Blessed are the peacemakers.'*" This gave

Supremacy will then be definitively surrendered to those regions of the continent of North America, where, ever since the end of the last century, force has been held subordinate to justice. If, as recent events give reason to fear (§ 60), the wise traditions of Washington are becoming lost in the United States, in proportion to their development of wealth and power, humanity will not on this account be left without models. The true organization of public power will still be found in the northern part of the same continent, in the great confederation which will there be created under British sovereignty (§ 70).

The service of the administration of the interior, under regimes of constraint, is extremely complicated (§ 8), whenever the State charges itself with looking after the welfare of its citizens in the local governments and even in private life. Then comes the necessity to form ministerial departments whose duties it will be to perfect the systems of agriculture, of the manufacturing industries, and commerce, improve the ports, construct and keep in order the highways, encourage the liberal arts, and teach the various branches of science to all classes of society. But these pretensions are by no means fulfilled in the results. They, in fact, in the various branches of activity, destroy those individual initiative efforts which are the principal guaranties of the independence and welfare of citizens. Under regimes of liberty (§ 8), the people follow an entirely opposite system. In their view, political freedom is not firmly

occasion to the Burgundians and inhabitants of Lorraine, whom he had pacified, to love and obey him so much, as I have witnessed in the presence of the king. . . ." (Joinville, *Histoire de St. Louis*.) The French, it seems to me, are at the present day the people most capable of appreciating this generous doctrine (§ 18). But will the passions propagated by Louis XIV. and the Reign of Terror allow us to take the initiative? D. Urquhart, although a Protestant, indulges the hope that this high mission for securing peace may be fulfilled by the Pope of Rome (n. 36). May it please God that the prepossessions of Roman Catholics at the present time may lead them to accomplish this high duty which they owe to humanity!

established except when individuals can participate in the central government of the State. Now experience teaches them that such intervention would be vain and dangerous, if the citizens were not in full possession of their civil liberties, that is to say, if they had not been accustomed to control, without the concurrence of the State, their family affairs, with those of the factory, the parish, and locality (§ 68). Under such conditions the action of the State upon the internal services would be reduced to very simple terms. It would confine itself to nominating those high functionaries who represent the sovereign in the provinces, and the principal agents who are more specially charged with the maintenance of public peace; to organize in the rural department and city commune, those authorities by which citizens are protected against the abuses of local power; finally, to establish post routes, telegraphs, weights and measures, values of coin, and other useful services, which are naturally attached to local central government, and cannot be intrusted to individuals, or to local or provincial governments.

The service of foreign affairs should have for its object the establishment of peace upon the principles of justice and the rights of the people. It has rarely attained this end since the commencement of religious wars (§ 15); it evidently remains impotent, if not dangerous, in an epoch when the regime of standing armies subordinates almost everything to the law of physical force. That diplomacy, which should be regarded as one of the most honorable functions, gradually loses its prestige, a word which begins to be used in common language, as the most expressive term to imply cunning. The irregularities which have been introduced into this service through the perversities of certain persons belonging to the governing classes, are still more aggravated by the organization of bureaucracies now attached to it. Any service thus organized tends, in fact,

to exaggerate its importance by factitious means ; and in diplomacy, the means habitually employed consists in creating conflicts. There is no room, therefore, for astonishment when competent men show a disposition to decline a service which acts in opposition to the object which it was instituted to attain. So long as the spirit of injustice thus hovers over Europe, the governments will only be represented abroad by simple commercial agents. The political interests, which should be protected in critical epochs by sovereigns who are the friends of peace, should be confided to a small number of high functionaries occupying the most elevated positions in the State, who have learned, through long study of European governments, the true sources of the present evils, and how to counteract their effects.

The colonial service, in well regulated countries, completes the list of services first referred to. One race established upon a soil entirely appropriated to culture,⁴⁰ only remains prosperous by preserving fecundity, and subsequently establishing a regular system of emigration. The head of the family (§ 6), after having secured the heritage of the fireside and factory to the child who can best second his efforts and provide for descendants, employs all his earnings in furnishing the best means of establishing his other children. Most of these, brought up in the country, may not find in the metropolis situations equivalent to those they left behind, and these should go in search of better fortune to the uncultivated regions of the two worlds. Now, a nation which contemplates its high destinies, must regret to see its emigrants going to melt away in the mass of a rival nationality.⁴¹ Without arbitrarily putting obstacles in their way, it should strive to attract them to terri-

⁴⁰ *Les Ouvriers Européens ; Tableau des divers organisations sociales*, pp. 16, 17.

⁴¹ In France, those rare families which preserve fecundity do not send emigrants to the French colonies : the Alsatians emigrate to the United States ; the Basques, to Bearn, in the basin of the La Plata.

tories under its own protection, where they may propagate their race, and one day establish their independence, with allegiance to the mother-country. Such was the object of the colonial service of which France formerly offered the most excellent models in its rural districts, especially in Normandy (§ 70). England has preserved and improved what France has destroyed. She remains prolific on a soil overcrowded with population, and sends out innumerable emigrants to all parts of the world. She is not less distinguished for the perfection of the service which controls this immense movement, than by the prosperity of so many colonies increasing with unexampled rapidity.

§ 70.

A GREAT MODEL NATION OF OUR OWN TIME.

Small nationalities and local governments (§ 68), uniting most of the institutions and manners which I have cited as models (§§ 65 to 69), are not rare at the present day; but in regard to great nations, it has always been otherwise. While following my plan of investigation, on all occasions aided by information derived from Social Authorities distinguished by their excellent usages and by the high esteem in which they are held by the public, I have resumed my inquiries with this question: What have been in the past, and what are at the present day the model nations? To this query, I have nearly always received the same reply: Spain, under the reign of Isabella and Ferdinand (1479 to 1504); France under the reign of Louis XIII. (1629 to 1661); England, since the reign of George III.; the United States, since the presidency of Washington. I have often, in the course of my travels, verified the superiority of the last two models, and will not permit myself to believe that these are in a way to destruction. In the midst of the corruption which, during the last ten years,

has manifested itself in England,³ and more especially in the United States (§ 60), it is difficult to discern whether this is an indication of real decline, or only one of those momentary spells of weakness against which no nation is secure. Nevertheless, should even the first case be realized, humanity would not remain without models, and one of these might be found in the British Confederation of North America.

This nation, composed in its beginning of four States, is already powerful,⁴ and by reason of its immense territory may reasonably count upon high destinies. By a singular concurrence of circumstances, she in her present constitution unites all which is most valuable in the ancient traditions of France, with all the best usages of England and the United States. This British confederation, in fact, combines most of the good elements of the best European constitutions, while it remains exempt from evils by which these are enfeebled. The sovereign has reduced his right of interference to its extreme limits,⁵ and, in consequence of this withdrawal, does not trample upon the rights of his subjects. The central government is under the chief direction of three authorities: a governor-general, appointed by the sovereign; a senate for life, also appointed by the sov-

³ This corruption reveals itself, by the propagation of certain habits which were severely condemned in 1836, at the time when I commenced my first English studies; such as, public divertisements, with scandalous exhibitions; the adoption of scepticism by the wealthy young men; attacks upon religion made in the name of reason, science, and observation. In the *précis* referred to (§ 16), several Englishmen are pointed out as among the chief of scientific scepticism.

⁴ This confederation, of which the French official name is *le Canada* (translation of the law of March 23d, 1867), has already a population equal to the United States at the time they established their independence.

⁵ This interference (*immixtion*) is never resorted to except in the privy council, and has for its sole object the nomination of the governor-general and senators for life, the right of pardon, and the veto of institutions, which, like slavery, for example, was formally interdicted as contrary to the fundamental principles of the monarchy.

ereign ; and a house of representatives, elected by the provincial States. This government interposes in everything relating to federal and provincial justice, defence of the soil, and the maintenance of public peace, the common roads of communication in the provinces, post-offices, weights, measures, and currency, organization of the federal revenue raised by duties and taxes upon spirituous liquors. Each of these four provinces⁶ is directed by a lieutenant-governor, assisted by a legislature ; and this is organized in accordance with the resolutions of a local constituent assembly appointed for this purpose. Each State thus exercises its constitutional sovereignty, but has no right to trespass upon the federal constitution, or to interfere with religious rites. Every religion is left under the direction of the proper authorities, namely, the family and the parish (§ 67). The local governments of each province concentrate in the rural departments and city communes (§ 68) all those privileges which do not interfere with the legitimate authorities emanating from the State and from the confederation. Private life reposes upon testamentary liberty (§ 42) and the family head (*la famille-souche*) (§ 6). The family remains united, stable, and prolific. It seeks for no other prosperity than that which is derived from labor and the free exercise of religion. In addition to religious freedom, it possesses all the liberties of private life, that is to say, those which do not interfere with the interests of the public. Lastly, the places of labor, communities, and private corporations exist in perfect harmony in regard to Custom and the Decalogue. Thanks for these institutions, the most free which humanity has ever enjoyed up to the present day ; thanks for the severity of the climate, for the absence of great wealth, and for the distance

⁶ Ontario, Quebec, Nova Scotia, New Brunswick. The law of March 23d, 1867, furnishes the conditions upon which five more territories are conjoined ; these are Newfoundland, Prince Edward's Island, British Columbia, Rupert's Land, and Northwestern Territory.

from great commercial highways, which have aided in preserving religious faith and public peace better than they have ever before been maintained under the regimes of constraint of antiquity or of the Middle Ages. Notwithstanding their multiplicity and their intermixture, all religious denominations live in harmony, every citizen understanding that the best means of securing the benefits of liberty is to defend it when attacked by others. The various kinds of faith have their zeal greatly increased by emulation. Religious proselytism is, however, kept within proper bounds. Under this regime, public opinion is founded more upon deeds than upon mere words; and it admits that the first recommendation of a religion to the confidence of families is the moral worth attained by its believers.

Among the four provincial States of this confederation, Lower Canada (*l'Etat de Québec*) is that which, by its past, as well as by its present family organization, religion, and property, exhibits the best symptoms of a high destiny. Established in the basin of the St. Lawrence in 1534, the emigrants from Normandy, holding to the custom of family-heads, there maintained themselves, notwithstanding the calamities to which they had been exposed from the disorders prevailing in the metropolis (§ 15), from local antagonism created by European and Indian races, and from the rigors of the climate. But, after heroic combats, they were compelled to submit to shameful abandonment by the government of Louis XV., and to become subject to English domination. Persecuted at first by the jealousies of race and the religious intolerance of their new rulers, they profited in the end by the liberties gradually bestowed by the British monarch upon all his colonies, and have ever since witnessed a rapid increase of their prosperity. The number of Franco-Canadians at the epoch when Canada was lost (1763), was only 65,000. In 1868, it was increased to 1,200,000. It has been estimated that, with a

very small addition from immigration, the population has been constantly doubled during every period of twenty-five years, owing entirely to the fecundity of the ancient colonists and their descendants. The Catholic bishop of Quebec, in 1763, sufficed for the religious administrations of the vast territories comprised between the basins of the St. Lawrence and the Mississippi; but at the present day, such duties, in Lower Canada alone, require the assistance of seven other bishops.

No people has ever brought to light, by its own history, the incomparable energies which humanity finds in Catholicism, when this is administered by a clergy, poor, but devoted to their mission. From its origin, the clergy were placed at the head of the colony;⁷ by them the country was explored in all directions, and while preparing the way for the success of the colonists, they have labored to improve the moral condition of the indigenous inhabitants.⁸

⁷ The foundation of Montreal and colonization of its island have furnished an admirable manifestation of that Christian spirit by which France was inspired in the reign of Louis XIII. (§ 16). The work was begun in 1640 by the Abbé Olier and M. de la Dauversière, with the concurrence of the Society of Notre-Dame of Montreal, the programme of which was "*travailler purement pour la gloire de Dieu et le salut des sauvages.*" The work was continued till the latter part of the year 1663, by the company of the church of Saint-Sulpice (founded in Paris by the Abbé Olier). This same company is still in possession of property on the island given to it by the English government as compensation for certain seigniorial rights, which, since 1763, have been abolished in all parts of the British empire, in consideration of equitable equivalents. It is worthy of particular notice, that a Paris corporation has, under English domination, preserved properties which would have been confiscated by the revolutionists if Canada had preserved its nationality. (Voir *la Vie de M. Olier*. Paris, 1841. 2 vols. 8vo. *Histoire de la Colonie Française au Canada; Villemarie de Montreal*, 1865. 3 vols. in 4to.)

⁸ The indigenous Americans, who, at the present day, have attained to the highest degree of morality, are unquestionably those of the St. Lawrence basin, converts of the Franco-Canadian clergy. They can be readily met with near the shores of this river, where they come periodically to join in the paschal service. The Anglo-Saxons have always excluded the indigenous savages from the territories they have colonized. The French, at the period when they planted prosperous

as much as was permitted by the rivalries of Europeans. The secular priests, often assisted by the Jesuits, have directed all the enterprises connected with the clearing up of the forests; they have aided in the establishment of villages, connecting with their principal function those of legislator, judge, architect, and physician. In the midst of sufferings proceeding from war, epidemics, famines, atmospheric derangements, and subsequently, abandonment by the mother-country, the clergy have constantly maintained their courage, and preserved their national spirit. When better days came, under British domination, it was equally the clergy who indissolubly linked to the French tongue religious instruction, culture of the arts, the sciences, and literature. If French travellers can to-day find outside of Europe a province that reminds them of their own country, they are indebted for that pleasure to the devotion of the Catholic clergy of Canada, and to the stable organization of the families which furnished its first colonists.

Canada at present offers to Europeans two instructive lessons. It shows how the liberties, aptitudes, and virtues of the Middle Ages have become fixed in an ancient French colony, while the tyrannies of Louis XIV. and the revolution have, for a long time, destroyed them in the metropolis. In the second place, it proves that Catholicism retains its power when its clergy adhere to the simplicity of the first centuries, when they are exposed to persecutions, and, more or less, when they do not possess the power to oppress dissenters. Subversive passions, at the present day, show a tendency to cause the expulsion of the chief of the Catholics from that asylum which has belonged to

colonies, gave examples in this respect which are seldom found with the people who, at the present day, are most successful in the art of colonizing. But the law of compulsory division, by destroying this aptitude in the French race, has committed a crime against humanity (§§ 23 and 46).

him for eighteen centuries. If this new injustice should ever be perpetrated, the sovereign pontiff could find in Canada, in the midst of a faithful and peaceable race, that protection and respect which Europe might refuse to him.

The history of Canada, in fact, brings to light the error of writers who look with contempt upon the Middle Ages, and incessantly exalt Louis XIV. or the revolution. The truth of this is fully shown by the following facts. The family and religion in the Middle Ages sent out two old French branches, one of them to Canada, and the other to Louisiana. The corruption of Louis XIV. and his successor led to the shameful abandonment of Canada; and the disorders of the revolution imposed upon the Consulate the lamentable sale of Louisiana. Since then, France has elsewhere conquered vast territories, either in a desert condition or inhabited. But she has never founded a single colony by the emigration of her own race. This incapacity, in the midst of increasing material wealth in her metropolis, finds its explanation in the loss of fecundity, and diminution of the moral forces of her population. More fatal than the corruption of absolute monarchy, the law of compulsory division of inheritance (§ 45) has destroyed those family heads (*les familles-souches*) which sent out our ancient emigrants, whilst it has doomed our race to sterility.

§ 71.

RESUMÉ IN REGARD TO THE PRINCIPLE AND PRACTICE OF REFORM.

For two centuries France has been successively disorganized by the corruption of the ancient regime in decline, and the violence of the revolution. Under these malign influences she has, in many respects, lost the elementary ideas of good and of evil. The French almost always commit mistakes when they attempt to appreciate the facts ex-

isting at the present day (§§ 1 to 9), those of ancient times, and especially those connected with their own history (§§ 11 to 17). Our most eminent historians, struck with the contradiction existing between our present convictions and authentic documents of the past, declare that the former should be renovated from the beginning (§ 10). This opinion is, also, daily impressed upon the stranger by writers who have attained in Europe that ascendancy which French writers enjoyed from the seventeenth century up to the period of the revolution (§ 16). A multitude of physical and moral disturbances have originated from these errors, and these disorders have been especially manifested in the places of labor by antagonism existing between proprietors and their workmen. They have created a general state of inquietude, without finding any means of cure. In fact, when public peace exists, the rulers are afraid of offending against prevailing opinions, by attempting to apply the true remedies. Afterwards, when the persistence of evil disconcerts the rulers and brings on revolution, this produces a temporary disorganization of society, which renders sterile those truths which fructify only in times of peace. For eighty years, France has remained in this vicious circle. Nevertheless, many symptoms afford reason to hope for an approaching reformation (§ 18).

The most evident of these symptoms is the existence in many localities of factories and families which have preserved, and even have recently created, all the elements of comfort, stability, and harmony (§§ 19 to 25). These localities are quite numerous, even in many parts of France. Such admirable examples will soon become generally known, and confidence in them will soon be established, if the ruling class, reacting a little against their prejudices and habits of inattention, will only consent to pay some regard to the models presented to their view.

As soon as comparative observation, made upon the best examples in France and other countries, shall restore a true idea of the good, it will not be long before the origin of the evil by which we are involved will be clearly perceived (§§ 22 to 36). Gradually, enlightened men are coming to some agreement in regard to the best means of restoring the good (§§ 33 to 37). Then again, our writers and speakers, when supplied with the necessary evidences, will be able to refute successfully the inveterate errors which have, during two centuries, been opposed to the work of reform (§§ 38 to 49). Thanks for this simultaneous application of experience and reason, France, without being subjected to any new catastrophes, may finally triumph over the six obstacles which have been perpetuated up to this day of the era of revolutions (§§ 50 to 61).

In 1789, the Frenchmen who undertook to reform their country, were shocked by a contemplation of the disorders which had been introduced by a century of corruption in the central government. They believed that reform should especially be directed to effect a change in the personnel of the rulers, and in the mechanism of sovereignty. This belief has been perpetuated and given rise to our ten revolutions. It is not a stranger to the agitations existing at the present day.¹ These revolutions have had their texts modified, but they have not otherwise changed either in opinions or manners. They have not restored the private or local autonomies which the ancient regime destroyed, and which all prosperous nations have preserved.

Long experience has proved that these autonomies are indispensable to the success of all governments, and that it is for this reason that our rivals find stability under a re-

¹ Written during the elections which took place in 1869, for nominating deputies to the legislative corps. This remark is equally applicable to the contests which ensued at the end of the same year, at the moment when I put to press the new system established by the *Senatus Consultum* of the 6th and 8th of September, 1869.

gime of liberty as well as under a system of constraint (§ 8), while we during eighty years have been oscillating from one system to another, without power to establish anything.

The first three régimes of constraint (§ 8, n. 12), periodically reproduced in the era of revolution (§ 17), have proved abortive from causes very different from those which in the past led to the miscarriage of similar régimes. The rulers were not then defeated in consequence of their indolence or sensuality. Far from this, they had displayed a feverish activity, and sometimes even a sincere devotion to carry out a false notion of the good. In the presence of individuals and local powers reduced to impotency by the encroachments of absolute monarchy and the Reign of Terror, they were able to push even to extreme limits, and to the great detriment of public and private interests, the consequences of a false system. With proper respect for the Decalogue, Custom, and private or local interests, the same qualities which might have contributed to the prosperity of the country, have only produced decline and instability under the empire of scepticism, with an excessive tendency towards innovations and exaggerations of central authority.

The four régimes of liberty (§ 8, n. 13) which alternated with the three preceding, have drifted towards other shoals, but have not been wrecked by similar causes. If, thanks to the rivalry of the ambitious aspirants for power, they have not been able to persevere for any long time in carrying out some special form of error, they have not in their short existence offered that peace which, under previous régimes, resulted from unity of action. These experiments with liberty have always presented two principal vices. The electors who nominated their representatives could not give their suffrages with certainty to those whose worth had not been established by good conduct in private life and local government. They were often circumvented by

corruption and intrigue, and deceived in their choice by the actions of public authorities.² At an epoch when Custom has no longer authority, discord springs up everywhere, in material order as well as in moral order. Antagonism naturally establishes itself wherever statesmen pretend to govern over all interests. The innumerable motives for union which exert a power over private life, become a cause of weakness when injudiciously introduced into public life. The multitude of conflicts produced by a factitious complication of the State, renders all government impracticable; for it aggravates beyond measure the misunderstandings growing out of the encounters of the ambitious.

The mishaps which have occurred during the last eighty years demonstrate that, whilst directing all our efforts towards previous reform of the central government, we have always taken false steps. Without absolutely destroying this dominant prejudice, it will be necessary to open to the French mind some new path. Whatever may be the means adopted hereafter to conciliate the authority of the sovereign with that of the representatives elected by the people, the reaction against the aberrations of the ancient regime in decline should be made in accordance with the examples furnished by modern nations (§§ 62 to 70). The part to be performed by the State might be simplified by restoring to private life, and afterwards to local government, their legitimate initiatives.

The reorganization of labor, as well as other reforms of

² Men who have not been previously prepared to perform the important duties connected with private life and local government, are of little use when they become connected with the central authority. Those who fall from high positions entertain rancorous feelings against their rivals, for they pass, without any transition, from high power to insignificance. In this connection, the destruction of the natural hierarchies, and the increased tendency to levelling, has always introduced agitation and disorder in our attempts to introduce the representative system.

private life, could be securely established upon the examples furnished by comparative observations made in various nations. This instruction is especially given by those Social Authorities who have preserved in their families and factories, and sometimes even extended to neighboring localities, the best traditions of our race. Every citizen, called upon, in consideration of his virtues, talents, and wealth, to participate in the government of a social group, will gradually establish around him comfort, stability, and harmony, provided he applies himself to imitate these models. Notwithstanding the obstacles opposed by vicious manners and institutions — sad legacies of the past — he may thus, by the power of intelligence and devotion, labor for the prosperity of his country, and at the same time create for himself a legitimate influence. This part of reform might accomplish itself immediately, without any recourse to the written law or to the rulers. It would have already commenced, if the respectable classes, whose zeal has remained unproductive, from having been improperly directed, had given their concurrence to works which promote reform by pointing out the best models (P).

Unfortunately, in consequence of the situation in which France has been placed by two centuries of abuse and revolution, these initiative individuals have not, up to the present time, accomplished any very important results. The writers who form public opinion are but little acquainted with this side of reform. They, in general, have no other view than that of new attributions to central authorities, to enable them to construct, out of all sorts of materials, a better order of things. But whilst thus remaining in the old rut, no other result is obtained than the perpetuation of revolutionis. For abuses are multiplied under regimes of constraint, and discord increased under regimes of liberty.

An opinion scarcely perceptible begins to favor the re-

establishment of the natural autonomies in private life and local government.* This reform is, nevertheless, indispensable to France, where laws, foreign to the public interests, check the legitimate hopes of fathers of families, and social autonomies in which harmony is only maintained in the places of labor by exceptional recourse to intelligence and devotion.

This rising opinion already struggles successfully against errors accredited during two centuries by all the ruling classes, those of the ancient regime, as well as those of the era of revolution. It must not, however, be concealed that those errors still exercise great power over the governing classes, as well as over persons in private life. The present generation will never witness the advent of the order of things, a glimpse of which appeared in 1789, unless it succeeds in establishing truth in the minds of the people before the return of some fresh catastrophe. This should be the true point of departure to reach reform. This is the difficult task which has to be accomplished by devoted men, assisted solely by the forces of evidence and reason.

§ 72.

THE PARTICULAR PARTS WHICH SHOULD BE ASSIGNED TO THE GOVERNING CLASS, AT THE COMMENCEMENT OF REFORM.

The first impulse of a Frenchman who perceives a social necessity, is to call upon the ruling class to make provision for it. But this disposition would be of little use toward establishing a reform which would restore to us the usages

* Since these lines have been written, there has been, in parliament as well as in the press, a lively interest manifested in favor of local liberties (§ 67, n. 5). These movements will be more productive than those which have formerly been made on four different occasions, if they confine themselves to solutions founded upon experience, and are kept within the bounds of law and moderation (§ 8, n. 13).

of Custom and the law of the Decalogue, along with those liberties essential to private life and local government.

The functionaries and legislators, who, in France, perform such important parts in the government of the State, are generally imbued with the errors spread throughout the mass of the nation. They are not, like the Social Authorities, naturally led by their investigations to comprehend the urgency of reform. Those who are the exception, may perceive the necessity, but never think it an incumbent duty to force themselves into collision with popular prejudices. They therefore prudently limit themselves to criticisms upon the order of things confided to their care.

Contemporary events often justify this prudent reserve. The present era of social instability has destroyed many of those sentiments which formerly united the people to their chiefs. The nation has consequently become more and more inclined to submit unresistingly to revolutions which suddenly change the forms of sovereignty or the direction of public interests. But this does not happen in regard to reforms which have a direct effect upon private interests. These react with violence against all improvements not previously announced, and the persons interested indulge in subversive passions and unite in disturbing public peace. The commercial reform commenced and completed by the present government in 1861, furnishes a useful lesson in regard to this subject.

After having continued during ten years that restrictive system which had, during the last two centuries, become progressively more aggravated, our government all at once decided that it would adopt an opposite regime. It has created out of all kinds of materials a decree promulgating the new order of things, and, to render its details more acceptable to the public authorities, it has availed itself of the aid of its most eminent orators and functionaries. This reform may probably secure material and moral advantages

to the country. But it may be asked, has it been obtained by the most efficacious process? The government has directly inflicted an injury upon many interests, even upon those of its own partisans. It has consequently roused those hatreds which have ever since been nursed by hostile parties; for, according to the tactics of certain opponents, a benefit, if it be the act of authority, must be denounced as a plague. On the other hand, the exclusive intervention of the governing class has caused individuals to lose the opportunity of acquiring those strong convictions which promote useful reform. From these two circumstances this commercial reform has not struck its roots deeply into the nation. And should some unexpected tack be made in future toward a system of prohibition, it may happen that we shall remain definitively deprived of advantages so rapidly acquired.

The premature initiative taken by the governing class, in regard to everything connected with labor, presents similar inconveniences. The re-establishment of the six usages essential to factories, and to moral order throughout the nation, requires among other innovations the repeal of two laws of constraint dating from the Reign of Terror (§§ 35, 36). Now, these are more strongly supported by passions and prejudices than were the old laws of impost. Should the government take upon itself the reform of labor, it would evidently excite great animosity and encounter great difficulties. On the contrary, by leaving individuals and the local powers to contend against misled and offended public opinions, two advantages might be gained. It would save itself from embarrassment, and contribute efficacious aid to the political education of its citizens. The attitude which the governing class should assume at the commencement of reform, is that of neutrality. The functionaries could assuredly propagate their views in their individual capacities, but should never avail themselves of the power

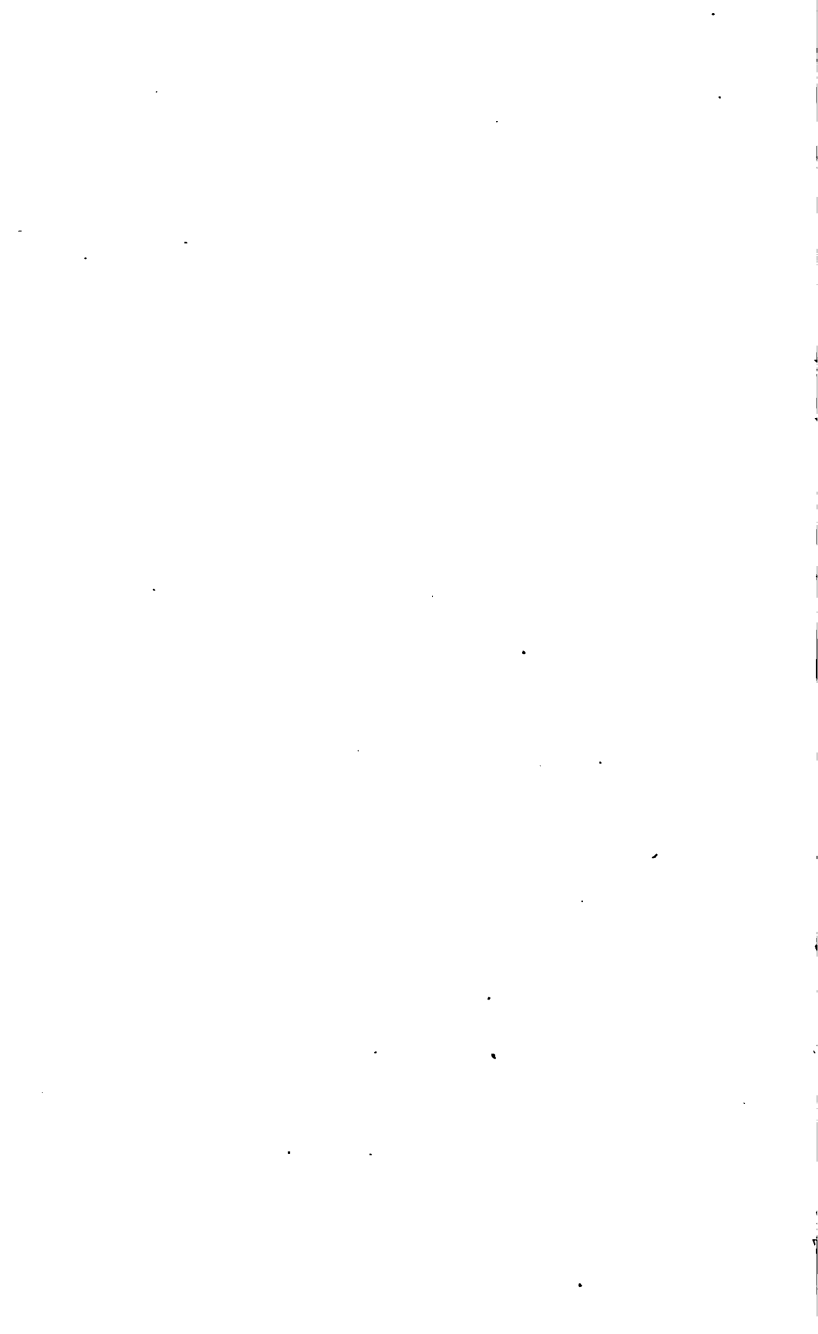
confided to them to denounce any one of the opinions presented. In regard to this matter, the distinction to be established between the man in private life and the man in public life, is in the propagation of truth a very important matter. The French people, who, in the day of Descartes, acquired the admiration of the civilized world by the exhibition of their harmonious spirit (§ 16), sank into intolerance in the sixteenth century, and became imbued with the spirit of revolution. This disposition is especially manifested by the inferior agents of public authority, and I might here cite many instances of positive persecution exercised by these agents upon men devoted to the propagation of good. There appears to be no way by which the false zeal of these functionaries can be restrained, for there are among them those who declare it factious to engage in efforts to promote reform, before the arrival of the day when the order for it shall be issued by high authority, and ministers enjoined to put it in practice.

Thanks to the severe lessons taught by revolutions, individuals will in the end be found manifesting that devotion for true reforms, which in the present era have been so rare with us and so frequent in England. Leagues for promoting reform will soon be organized and substituted for the present leagues to promote revolution. The governing class will not leave it long before they join in, and will avail themselves of the first opportunity to do so. Then will all the powers of the nation be combined to introduce reform into our laws and manners.¹

¹ This progress seems slow to some. But opinion moves quickly in France, when not shackled by constraint or led astray by license. The separation of Church and State, the urgency for which I pointed out in 1864 (R), has since then been discarded in a great degree from the minds of the ruling class. Nevertheless, at the end of 1869, the Emperor confided the organization of the government to a statesman who made this same reform, next to his financial system, the point of departure for his political career. (M. Emile Ollivier, *Le 19 Janvier*, 8th edit. p. 408.)

The press and the voice will thus find themselves called in requisition to take a preponderant part in the debut of reform. They will in the end become what they were in the seventeenth century, the auxiliaries of truth. The crisis which put an end to that epoch recalls, in fact, that of our own times. Social antagonism is fraught with no less danger to the sovereigns of the present period, than religious antagonism was in that of the last of the Valois. The laws of constraint then disturbed the churches and temples as they now do the domestic firesides and places of labor. The gratitude which the French nation then accorded to the dynasty which restored liberty and religious peace, will be again revived in favor of a dynasty which, by similar means, shall restore us to social harmony.

The sovereign, still more than his auxiliaries, should maintain reserve on the commencement of reform. But during the conflict between the true and the false, he should not always remain inactive. To-day, as it was three centuries ago, the prestige of the sovereign is pledged for the restoration of spirits to Christianity (M), and to the advent of a new era of prosperity. After so many revolutions, his dynasty may become firmly established, and his memory connected with two reforms—a restoration of the Decalogue to the consciences of citizens; the re-establishment of Custom in the organization of labor.



APPENDED DOCUMENTS.

DOCUMENT A.

PHYSICAL AND MORAL SUFFERINGS TO WHICH OLD PARENTS
ARE SUBJECTED IN FRANCE.

1. *Description drawn by M. Pinart, Procureur-General.*

IN the agricultural family, every hand is required to join in the common labor of the field, and when the father is thus receiving the services of his household, he still, in many regions, preserves his prestige. But how has this last rampart made against authority become enfeebled by that rage for individual enjoyment, which torments every member of his family! Children are no longer satisfied with waiting for the inheritance till the father dies. The day when the arm of the father becomes weak, the children anticipate the spoils as their own investment. This avidity for property created by the law of compulsory division, causes the father of the family to be regarded less as a parent than as one who wrongfully withholds another person's property. To possess is the dream, and possession the realization. The old man who has no longer power left to enable him to produce, sees his authority vanish the next day after his labor becomes unproductive. A modicum of rental, often the simple right to live under the same roof where the lots of his children were cast, is the only pay reserved for the discrowned chief. Often, even, is the rent badly paid or contested. Reduced to extreme poverty, the venerable father in his last days receives his bread as an alms. To what serious affronts is he subjected who is regarded as out of place at a fireside no longer his own? And when

death releases him from a debt created by law, the event is regarded by the children less as a subject of grief, than as a favor they have been too long waiting for." (*Discours de rentrée à la cour impériale de Douai, in 1865.*)

2. *Description drawn by M. Bonjean, President of the Court of Cassation.*

"When fathers and mothers no longer wish to be subjected to the painful labors of the field, they divide their property among their children, reserving a life-rent, or even a promise of being supported by their children. What often happens? I am ashamed to say it. But this too often occurs. At first everything goes exceedingly well; the rent is regularly paid. The donator is surrounded with attentions. But, little by little, the recollection of the favor wears away; that of the costs remains, and the rents and promises are only paid and fulfilled with a bad grace. Too often, pretexts are sought for to dispense with these, and too often, also, are the unfortunate individuals placed under such conditions in their old age, by indignant children who no longer regard their parents but as a useless charge. Is it not true that it often happens so? *Many voices:* 'Yes, it is but too true!'" (*Discours au Sénat, séance du 23 Mars, 1861.*)

3. *Description drawn by M. E. Legouvé.*

"Every one knows the passion which the peasant entertains for the soil. On buying a morsel of this, he cultivates it, improves it,—this is the main object of his life! Well, it is this morsel of land which, in the country, gives rise to the struggle between the father and his sons. The father makes the greatest efforts to preserve what he emphatically calls his little property (*bon bien*), and the son to get possession of it. But the father loves it as one loves what he has; the son loves it as that which he should have; that is to say, with all the appetite which desire adds to passion. Moreover, the son is young, the father old; the son is vigorous, the father broken down. Give me the land; I can cultivate it better than you! This work will kill you, and I do not want you to kill yourself! Then come caresses, promises, and the father who is the most tender, gives up.

“He resigns his land, reserving a pension : from this day he is lost ; for he is no longer a father but a creditor. Oh, the pensions ! the pensions during life ! there is nothing more depraving ; their fatal side is their chronic character. They continue forever, according to the word of the law, and for that reason only they, little by little, become for him who pays, a disagreeable and rather monotonous tune. Then come delays, demands to be put off, and surprise at the return of times of payment. What, already ! is the reply to the demand. Already is the word with all debtors : nothing makes time run so rapidly as the anticipation of receiving payment.

“This is only the first act. But what catastrophes happen in the family when the weight of debt enters the house ! The father increases this weight, for he costs something ; the father is one debt too much ; the father then becomes *monsieur, and lives forever*. Sometimes, even under this disorganizing blow and comparative poverty, the son and his wife take a violent antipathy to this everlasting old man, this eternal creditor. I have myself seen, in the country, an old peasant who had given his property to his children, made, little by little, to give up, first, the best chamber for a damp and unhealthy room ; then go into a place in the bake-house ; then sent away from the table ; then obliged to take his soup in a wooden bowl ; then compelled to live on bread alone ; next forced to sleep in a place upon the litter of a donkey ; and finally, one day, driven by despair and indignation, to throw himself into the river !

“Certainly there are exceptions to all this, for there are some fathers who are beloved, although they are creditors to their children. Even among ungrateful sons there are degrees. All do not thrust their fathers upon public charity, although they may leave them with tattered clothes to ask for alms. They do not refuse them soup, but they give that which is extremely meagre, and the worst place at the family table. They take from them one thing after another, until the father is sometimes compelled to appeal to a justice of the peace. In fine, they do not reduce him to the necessity of killing himself in despair, and do not call him *monsieur vit toujours !* But they count his days and abridge them by poisoning them.” (*Les Pères et les Enfants au XIX. Siècle.*)

DOCUMENT B.

COMMON OPINION IN FRANCE, RELATIVE TO THE SUPERIORITY OF YOUTH OVER OLD AGE AND MATURITY.

Since the epoch of Terror, youth have been taught in all fashions, that the doctrines now maintained in the schools communicate to those who hear them a system of social science very superior to that obtained from a long study of private life (§ 67), and local interests (§ 68). From hence comes the idea so commonly held in regard to the social inequality of mature, and of old age. This opinion has inspired most of the criticisms included in my former work (O), and these have been abridged in the following terms, by a writer distinguished for his labors in the department of political economy.

"Such has been the rapid progress of knowledge, that for two-thirds of his career, the father of the family is below the level of what he ought to know. He is no longer the teacher of his children; it is his children who reconstruct his education. To them he represents the ancient routine, the worn-out practice, the resistance which must be overcome." (R. DE FONTENAY, *Journal des Économistes*, Juin, 1856, p. 401.)

All who have been successfully engaged in imparting instruction to youth, or who have given useful direction to the smallest social interest, well know that the science gained in schools only furnishes an imperfect preparation to the apprenticeship of life, and that this is only limited by the extinction of faculties from the progress of age. They recognize therefore the fallacy of this doctrine and the danger of a conclusion which pretends to confer upon students the capacity to govern society.

This aberration affords an explanation of many of the disorders prevailing at the present time (§ 17). Our incessant revolutions have often been attributed to the antagonism subsisting between our four rival parties. But we should no less fear the establishment of unanimity among them, in regard to certain anti-social doctrines which are repudiated by free and prosperous nations. One of the afflictions existing at the present day in all parts of France,

and in all classes of society, is that contempt for age which destroys the most productive principles of moral and material order. When age is allowed that authority which belongs to it, youth will find by its means the circle of its activity enlarged, and labor more efficaciously for the prosperity of the community. Contented with the experience possessed by enlightened veterans, they will not, as at present with us, demand reforms from revolutions and pretended progress (§ 58) which only tend to accelerate decline.

Moreover, among prosperous nations there does not exist a trace of antagonism between the different ages. The youth perfectly understand, that, in order to escape future humiliation from their own children, it is their interest to honor and obey their parents. Thus, in England, in families enjoying public esteem, the younger sons are no less attached than their father to testamentary liberty. They, in truth, know that this liberty will be generally employed to transmit the family fireside and place of labor to the elder son ; but each one of them expects, with the assistance of the paternal estate, to be enabled to create another establishment for himself, with the right to transmit this integrally to his descendants.

DOCUMENT C.

UNHAPPY INFLUENCE EXERTED BY THE RIGHT OF INHERITANCE UPON WEALTHY YOUNG MEN.

In France, the true Social Authorities, that is to say, the eminent men who direct the labors of agriculture, commerce, and general industry, are little disposed to lay aside their daily occupations to give instruction by writing or speaking, in regard to social truths. Commercial reform has, however, brought our merchants into more immediate connection with our rivals who enjoy testamentary freedom ; we find among us initiatives which, up to this time, have been smothered under excessive regulations. This is shown by the instance of a petition addressed to the Senate in 1865, signed by thirty merchants and manufacturers of Paris and the provinces, setting forth, in the following

terms, the unfavorable influences exerted by the law of inheritance on the manners of their children, and, consequently, upon the condition of their factories.

"We, the undersigned, manufacturers and merchants, have the honor of respectfully soliciting the high intervention of the Senate, in order to obtain from the Imperial government testamentary liberty, substituted for the present regime of succession. . . . Inasmuch as the right of the eldest appears to us contrary to natural equity and to the sentiment of the nation; inasmuch as the law which is now acting upon us appears an oppression which there was reason to believe would be temporary, but which has, from day to day, created strong prejudices and exerted injurious effects upon the business of the country. . . . The evil to which we refer might have remained doubtful so long as France was contented to hold a secondary rank among commercial nations. . . . But to-day we have been placed in a condition to compete with the greatest producers. . . . The industries of France have responded to the appeal of its sovereign by resolutely preparing for the struggle. But, in our regime of succession, a barrier is opposed to the accomplishment of our object.

"In fact, whilst England, under the empire of testamentary liberty, sees her establishments enlarged and perpetuated, . . . with the accumulation of capital, patronage, and practical experience, . . . while the sons of her largest manufacturers and merchants continue, in the metropolis and in all parts of the world, the occupations of their ancestors,—what is going on with us? Rarely is the work of the father continued by his sons. In most cases the father has been the artisan of his own fortune; has elevated himself more or less in proportion to his individual resources. . . . But the capital created by him, the experience acquired, the instruments made by him, all are diminished, scattered, compromised, or lost, as soon as death puts an end to his personal action. This is a strong power which our Civil Code seems to have employed for the destruction of the organization. . . .

"If we search for the most influential causes of results so opposite, we are led to conclude, that, in England and the United States, children contract habits of respect and obedience from the cradle. England is covered with

manufactories and commercial houses which have grown up under the protection of the family-head assisted by his children. The sea is covered with English merchantmen under command of the sons of her merchants. The world everywhere exhibits English counting-houses under direction of those who have not confined their sphere of activity to the metropolis.

“By our system of succession, we are prevented from attaining the same results. Every child, whatever be his intelligence or incapacity, his energy or idleness, his virtues or his vices, is born with the right to enjoy, at a given hour, the fortune of his father, without having had anything to do with its acquisition, augmentation, or merit. The son soon knows what he can expect or exact from his father in such or such an eventuality. What can the head of a family do, on his part, who is conscious of this sort of original antagonism, and finds himself weak and unable to contend against the indolence, the passions or irregularities of his sons? We repeat, how many industries and commercial establishments decline or go down with the generations by which they were founded! How many fathers are compelled to refuse the association of their children, when they see these waiting in culpable idleness for the moment when they can enjoy the fruits acquired by the labor of their parents? We might cite hundreds of examples of such deplorable cases produced by the operation of that law, the dangers from which your petitioners here refer to.

“Under such circumstances, how can any one think of engaging in enterprises of long duration? Of what account is our mercantile commerce compared with that of England or of the United States? How few ever think of going to, or commencing life in our colonies? How many can we count who represent France, engaged in direct exportation of merchandise to foreign countries, where millions of consumers contend for the products of England?”

This petition will lead to reform, as soon as the governing class will direct their attention to the facts which it points out.

DOCUMENT D.

ANTAGONISM EXCITED AMONG FRENCH FAMILIES BY
COMPULSORY DIVISION OF INHERITANCES.

In countries where the father, as the domestic legislator, exercises sovereign control in transmitting his property by donation or testament, inheritance very rarely gives rise to disputes, all the children of the same blood remaining united after the decease of their parents, as if they were still living with them. The processes connected with the interests of the property have scarcely any other object than those which relate to contracts and conventional obligations of all kinds. In France, where inheritances are subjected to complicated regulations, which dominate the wishes of parents, the beginning of successions in compliance with the requisitions of law, gives rise to ruinous contests and interminable hatreds among the heirs.

In 1868, the number of legal cases decided by civil tribunals, consisting of contracts and conventional obligations of every kind, has not exceeded 24,899; whilst the decisions relative to successions regulated by the law of compulsory division, with or without the intervention of donations or legacies, amounted alone to 21,317. This radical vice of our institutions was displayed even in the same year when the system of forced partition was established (E). Since then it has ever been the principal cause of social disorganization (K, 2), the results of which appear now in all directions (I).

DOCUMENT E.

OPINIONS WHICH LED THE CONVENTION TO ESTABLISH
THE LAW OF COMPULSORY DIVISION.1. *Extract from the Moniteur.* (Sitting of March 7, 1793.)

“N . . . demands that wills made under instigation of hatred to the revolution shall be abolished. — Mailhe said that it was necessary to mount to the source of the evil.

He asserted that many fathers had disinherited their children because these have taken part in the revolution. — Prieur: I ask that the law shall extend back to July, 1789. Without that, you will sacrifice the younger sons (*les cadets*), who devoted themselves to the revolution. You will sanction the hatred of fathers for their patriotic children. — N. . . . : I ask that, at least, it shall be abolished from the present date."

Never have there been seen among a civilized people such great interests prostrated by such feeble reasons. This text of the *Moniteur* is the most evident condemnation of that law which was wrenched by Terror from that pusillanimous majority which destroyed institutions dating back twenty centuries (§ 12), a law which, by promoting sterility of marriages, has since weakened France more than the loss of a hundred battles.¹

2. *Extract from the Moniteur.* (Sitting of Dec. 28, 1793.)

"The law of equality of division has already occasioned much disorder in many families. You have performed a great act of justice; you have aimed at striking down the great fortunes, always dangerous in a republic; but the law being general, small proprietors have been subjected to its force." (*Discours de Cambacérès.*)

"The Convention has thought to establish a great principle, and it has, so to speak, thrown an apple of discord into all families. Innumerable lawsuits will result from this law. If it is discovered to be injurious, it should be repealed." (*Discours de Thuriot.*)'

¹ This fact has been perceived by some of our rivals, who have preserved prosperity established upon respect to the natural authorities. In 1833, I heard the following anecdote related by Count de Reyneval, then ambassador at Madrid. In 1815, an English diplomatist strongly insisted that we should restrict our frontiers to the limits they had in the seventeenth century. Not having gained all he wished in regard to this matter, and turning his thoughts back to the dissolving principle included in our Civil Code, he uttered this exclamation: "After all, the French have weakened themselves enough by their regime of inheritance." The English, moreover, in 1703, applied this same system to weaken Ireland. Preserving for themselves and for Irish Protestants testamentary freedom, they subjected the Irish Catholics to a regime of compulsory division. (*La Réforme Sociale*, t. i. p. 233.)

"I am opposed to all new discussion of this principle. Equal division is a sacred principle, consecrated in the declaration of rights. 'Your law, beneficent and just, has given rise to protestations,' said Thuriot. Yes, but they came from enemies of the revolution." (*Discours de Philipeaux, appuyé de ceux de Bourdon de l'Oise, de Pons de Verdun, etc.*)

In our revolutionary assemblies, the persons who succeeded in having the law of compulsory division passed, under the pressure of Terror, generally came from the districts where morcelated estates with instable families existed (§ 16), and where the custom of equal division prevailed. In contempt of law and reason, this custom was imposed by violence in districts inhabited by stable families (§ 46), which prospered by means of their secular custom of integral transmission.

DOCUMENT F.

DOCTRINE ADOPTED IN 1791, IN REGARD TO SEDUCTION.

The law of the 25th of September, 1791, established a new penal Code, removing the responsibility previously imposed upon the man in cases of seduction. This novelty in legislation was exhibited in the conclusion of a report, maintaining a doctrine no less strange in regard to its views than vicious in its foundation. The following passage from this report has been severely condemned by the Anglo-Saxons:

"Nous avons pensé que, lorsqu'il s'agit d'une fille de seize ans, la seduction, que la nature n'avait pas mise au rang des crimes, ne pouvait y être placée par la société. Il est si difficile à cette epoch de la vie, où la précocité du sexe ajouti a une excessive sensibilité, de démêler l'effet de la séduction de l'abandon volontaire. Quand les etteintes portées au cœur peuvent être réciproques, comment distinguer le trait qui l'a blessée? Comment reconnaître l'agresseur dans un combat où le vainqueur et le vaincu sont moins ennemis que complices?"

DOCUMENT G.

FALSE IDEAS OF THE NATIONAL ASSEMBLY RELATIVE TO
THE INTERMEDDLING OF THE STATE WITH AFFAIRS CON-
NECTED WITH THE REGIME OF LABOR

The Parisian workmen, disquieted by the isolated condition in which they were left after the abrogation of their ancient incorporations of the arts and trades, have demanded since 1791, the right of associating themselves for the purpose of mutual assistance in cases of want of work or sickness. The National Assembly refused to acknowledge this right, and instructed deputy Chapelier to address to them the following reply, on the 14th of June, of the same year: "Citizens are not permitted to assemble together for the purpose of consultation in regard to their pretended common interests. It is for the nation, it is for the public officers in its name, to furnish employment to those who are in need of it, and to succor the infirm."

Such an aberration was never before exhibited with an official indorsement, by any civilized people. The governing class of that sad period (the flight of Varennes) disorganized France by inaugurating the regime of Terror.¹ Notwithstanding the most praiseworthy resistance, the masses became inoculated with the vice of communism, which deplorable system disseminated most of the errors, the evil effects of which we are experiencing at the present time.

DOCUMENT H.

OPINION OF THE LOCAL PRESS OF SAVOY, UPON THE DIS-
ADVANTAGES OF THE RECENT ANNEXATION.

"Under the Sardinian law, the disposable portion was two thirds when the testator had one or two children, and one half if he left a greater number (art. 719). Moreover,

¹ It was then, in fact, that respectable citizens, intimidated by the violent acts of the populace, and cruelty of the governing class, ceased from defending the fundamental principles of religion, of the family, and of property.

the girls endowed with portions were excluded from the succession of their parents. The father of the family possessed an efficacious means of retaining one or more of his sons about him, in the expectation of leaving a sufficient portion of his property to those who had cultivated The vigorous action of article 913 of the Code Napoleon has changed all that, by reducing the disposable portion to one half, one third, or one fourth, according to circumstances. Ordinarily, *the inhabitants of the country have at least three children and cannot dispose of only a quarter.* This portion is not sufficient to attach to the soil one or more of the sons to whom it has been promised. Men of business and proprietors with whom the cultivators have frequent communications, all affirm that, since annexation, they have frequently seen the efforts of the father of the family, supported by a promise of one fourth of the disposable property, remain helpless, the sons going away in search of more remunerative wages. They make and continue making these arguments, marked by simplicity and evident correctness. . . . Should we continue our labors for ten or twenty years, the patrimony would be held increased in value by our daily toils ; afterwards, at the moment of opening the succession, the youngest children in the family will be entitled to take their part of that which has been acquired by our toil. Laboring on our own account, we obtain a property of our own, which our emigrating brothers cannot lay hold of ; we afterwards have our proper share of the common inheritance. . . . This reasoning has been acted upon ever since the promulgation of the French laws. These unhappy results have been already produced and will be more increased hereafter ; for the numerous donations made under the Sardinian law of 1860, have in many families put an end to these dispositions. It is very possible that, in theory, the article 913 may be very ingenious ; it may even happen, that under certain circumstances it may be very appropriate to families devoted to the liberal professions. But here, in Savoy, in the midst of the effects produced by the transition of one law to another, we have summed up the effects of this blind act in these few words: *The diminution of the disposable portion has caused the young cultivators to emigrate to the cities.*" (*Extrait du Courrier des Alps, Journal de Chambéry, Avril, 1867.*)

It may be well to compare this article with a work which I published in 1867, (before the annexation,) upon the regime of successions in Savoy. (*Les Ouvriers des deux Mondes*, t. ii. p. 52.) The argument of the Journal of Chambéry is, moreover, precisely that which the illustrious Portalis vainly used in discussing the Civil Code (L, 6). But the evident interest of rural families could not prevail against the political aberration which contributed to disorganize everything, in conformity with the chimerical conception of a new social order (K, 2).

DOCUMENT I.

IN WHAT MANNER A CIVILIZED NATION MAY RETROGRADE TO A STATE OF BARBARISM.

Savages, placed in a low degree on the social scale, do not possess sufficient control over themselves to impose voluntary privations, admitting of laying by means to secure their existence. They immediately consume all the products of the chase, the fishery, and their gatherings.

Above the savages, people pursuing a pastoral life resist the desire which leads to imprudent consumption. They gather together numerous flocks and herds, and from the milk and flesh obtained from these, obtain regular means of subsistence.

Above these again, the agriculturists increase their welfare and security by adding to the supplies afforded by their flocks and herds, immense quantities of grains, roots, fruits, oil, and drinks of all kinds.

Higher yet, the people engaged in commercial pursuits subject themselves still more to habits of voluntary privation, in accumulating, along with the productions of the forests, the waters, the steppes, and the field, immense quantities of products furnished by the mines and manufactories of the whole world.

Reason and experience applied to the study of human affairs, establish, that the prosperity of people engaged in each of the pursuits mentioned, grows in proportion to the moral force derived from habits of economy and the accumulation of wealth.

Nevertheless, since liberty of reunions has been allowed to us, we hear daily, in the popular assemblages of Paris, doctrines taught which tend to perpetuate, by common sentiments derived from misery, a secret caste hostile to all social order. These doctrines may be summed up in the following axioms:

"Capital is a shameful accumulation. — Property is not only robbery, but it is assassination. — The workman who economizes is a traitor to his brethren." (*Assemblée dite la Redoute, reunions d'Octobre et de Novembre, 1868*).*

Now, I am assured by travellers who have lived for a long time among the savages of the Amazon, that these never found their practice upon theory; that, whilst indulging their improvident gluttony, and gorging themselves with the products of a superabundant chase, they still render homage to the moral superiority of the fixed populations in their vicinity, who by means of their savings assist them in times of extreme want. There exists, therefore, in France a class of men already very numerous who possess certain ideas, if not manners, which place them in a lower position on the scale of humanity than that assigned to the most degraded conditions of savage life.

These doctrines were elaborated, without our knowledge, under that regime of constraint (§ 8) which has prevailed since 1852.

*The following extract, from a speech lately made by Citizen Veséner, secretary of one of the recent Paris Communes, develops the insane views maintained by this order still more in detail. It will be seen that such views are the very antithesis of those inculcated with so much earnestness by M. Le Play. That his hearers believed in his mad utterances is evidenced by the manner in which they received them. — (AM. TRANSLATOR.)

"We must conquer or die. For that we must boldly deny God, family, and country. We must withdraw our children from the stupefying influence of priests, kings, and nationality. (*Applause.*) To deny God is to proclaim man the sole and veritable ruler of his destinies. It is to kill the priest and religion. The denial of divinity, is man asserting his strength and independence. (*Tremendous applause.*) As to family, we reject it with all our force in the name of the emancipation of the human race. To the ties of family we owe the slavery of woman and the ignorance of infancy. The child belongs to society, and not to his parents. It is for society to instruct him, to rear him, to make him a citizen. To deny family is to affirm the independence of man from his cradle, to snatch woman from the bondage in which she has been cast by the priests and a rotten civilization." (*Frantic applause.*)

Respect to God, which is still more necessary to the welfare of a people than their thrift, is systematically destroyed in their hearts, thanks to the propagandism carried on by our directing classes since the epoch of Voltaire. At this time (1870) there may be counted in Paris, by hundreds of thousands, especially among the working classes (§ 31, n. 3), men hostile to all religious sentiments. Many of the operatives and superintendents, with whom I have lately been making investigations, have furnished me with facts in relation to this subject which could not be met with among any other civilized people. Among the best artisans with whom daily intercourse was held, *not one* was to be found who claimed to be a Christian. One of these superintendents informed me, that, in order to live in peace with his subordinates, and gain daily bread for his family, he found it necessary to give up all religious observances.

On the other hand, most of our directing classes not only continue to teach infidelity, but remain indifferent to the symptoms of social disorganization. After a lapse of four centuries, and during an invasion of errors which has no precedent among civilized people, they revive that want of forecast and discord exhibited by the Greeks of Constantinople. And yet this invasion is more formidable than was that of the Turks.

These dangers are produced in France at an epoch when the corruption of the directing classes has brought into discredit a European custom which, among prosperous nations, gives firm support to a social hierarchy established upon talent and virtue,—at a time when the man endowed with the most eminent qualities exerts no more influence upon the destinies of his country than the most incapable or vicious individual,—when, in fine, the most eminent writers proclaim that such a regime is necessary, and even providential.¹

If, therefore, such of our citizens as remain attached to those fundamental principles upon which European civilization is established, persist in their fruitless antagonisms; if they refuse to unite in a common effort to combat the grossest errors, and even give these errors tacit approval,

¹ Alexis de Tocqueville, *la Démocratie en Amérique*. Avertissement de la douzième édition, passage cité (§ 60, n. 12).

by courting the suffrages of those who maintain them ; if, at the same time, those who hold themselves aloof from political contests surrender themselves to a life of idleness, luxury, and debauchery, — it can be easily foreseen that France must be definitely left to pursue a course which will inevitably end in a state of barbarism, or the loss of nationality, to the profit of some other race better instructed.²

DOCUMENT K.

OPINIONS OF NAPOLEON I. UPON THE REGIME OF SUCCESSIONS.

1. *Epoch of the Consulate.*

The genius of the first Consul always led him to think that paternal power should not be made to oppose his designs, but to operate as an auxiliary to his work. Against Réal, against Berlier, the reporter of the law of 17 Nivôse, year XI, against Tronchet himself, the defender of the law of 24 Germinal, year VIII, the first Consul firmly maintained the cause of the father of the family. When a project was presented fixing the disposable quantity of the property to a fourth part, whatever might be the number of the children, he already foresaw the two dangers of a patrimony too much cut up and of an authority too much reduced. "The more we consider the Roman laws relative to the distribution of the property of the father and mother, the less shall we be disposed to weaken the law

² The sermons most sought after by the urban populations are those which make reference either to the most venerable traditions, or to the most evident facts connected with our own times. In the peroration of a much applauded discourse, delivered at Marseilles in the beginning of December, 1869, it was said: "Help us, free-thinkers of Marseilles, to abolish religion. The Protestants, Jews, Mohammedans, and all other Deists, vegetate in misery and obscurity; but what we are especially called upon to destroy is Catholicism. Christ was only a despot who caused himself to be killed in order to give more weight to his doctrines. Let us hear no more of this corpse: we want nothing more to do with him." (*Applause.*)

A new apostolate to the Gauls (§ 14, n. 1) will soon be required, if ignorance of the best established facts is every day so boldly displayed.

which nature seems to have confided to the chiefs of each family. In arranging this matter, the legislator should particularly hold in view moderate fortunes. The too great subdivision of these necessarily puts a stop to their existence, especially when this event causes an abandonment of the paternal mansion, which is, so to speak, the central point.

"Then when Cambacérès cut short the deliberations of the council, by graduating the division of the property according to the number of children, and causing the adoption of article 913 of the Code, the first Consul, reverting again to his original idea, asked if it might not be preferable to establish the rate of division rather in proportion to the amount of the property than to the number of children. Taking the sum of one hundred thousand francs, which at that period was a very high base, he proposed to give the father the right of disposing of one half this amount of his property, and afterwards to give an equal part to each of his children. 'According to this plan,' said he, 'you will allow a latitude to the father, and save the small fortune, preventing at the same time the creation of very large ones.' " (*Extrait du discours prononcé en 1865, par M. Pinart, procureur-général : rentrée de la cour impériale de Douai.*)

2. *Epoch of the Empire.*

"My brother, I wish to have in Paris an hundred fortunes, all elevated with the throne, and each remaining considerable, since they would be *fidei-commis*, for, should they be anything else, they would be scattered by the effect of the Civil Code.

"Establish the Civil Code at Naples. All which does not belong to you will then be destroyed in a few years, and what you wish to preserve will be consolidated. See the great advantage of the Civil Code. You must establish the Civil Code, as it is necessary to the consolidation of your power, since by it all which is not *fidei-commis* falls, and no more great houses will remain than such as you create upon fiefs. This is what led me to preach a Civil Code and supported me in establishing it." (Letter of Napoleon I. to King Joseph, dated June 5th, 1806. *Mémoires du roi Joseph*, Paris, 1853.)

At the very moment when this was developed in the interests of the new governments which he created in Europe, this theory of the family and of property had already been applied by the emperor to France. He, in fact, promulgated, the 30th of March and 14th of August, 1806, those laws which re-established, to the advantage of the great dignitaries of the empire, the right of the eldest in the most absolute form, that is to say, with perpetual substitution. The *senatus consultum* of 1806 presents this text :

“His Majesty, either to reward great services or excite useful emulation, or contribute to the *éclat* of his throne, will authorize the head of a family to contribute liberally of his property in order to form a dower to his hereditary title, reverting to his eldest son, or to his descendants in direct line, from male to male, in the order of primogeniture.”

See the *précis* of this very complex legislation of the empire in relation to the majorats; *La Réforme Sociale*, t. i. p. 308 (R).

DOCUMENT L.

VARIOUS OPINIONS BROUGHT TO SUPPORT TESTAMENTARY LIBERTY.

1. *Opinion of Families of the Bourgeois of Provence in the Sixteenth Century.*

“My brother informs me that the father and the mother owe two things to their children — good instruction and proper support ; and that with these, should they hereafter be able to give them more, all the better ; if not, with good instruction and support, even the little they may have is enough. — Any child that depends solely upon his father’s property for support, is not worthy to live.”

This text is extracted from a will made in Provence in the sixteenth century, in a family of the bourgeois, in which nine brothers, having received a good education, occupied high positions in the Church and in the administration of the university. (See *A Family of the Sixteenth Century*, by Ch. de Ribbe.) The opinion expressed in this will dominated in Provence up to the time of the

revolution, and is still prevalent among the families of the bourgeois, as also among those of the peasantry of our southern provinces. (See *Les Ouvriers des deux Mondes*, t. i. pp. 107-161.)

2. *Opinion of Montesquieu.*

“Natural law commands fathers to support their children; but it does not compel them to make their children their heirs.” (*Esprit des loix*, xxvi. 6.)

3. *Opinion of Gazalès.*

“The division of land having a direct bearing upon the interests of the public, I, for this reason, enter upon an examination of the subject. The most important consideration is connected with the fact, that the possession of land binds man to his country by the love he has for his own property. It is from the love of his property that he raises himself to love his country; it is love for his family that raises him to love his fellow-citizens. It is necessary that property should have that security which attaches man to his own life. To what, therefore, does this equal division and this subdivision of properties lead? Each fragment of land will not be sufficient to support its owner. On the death of the family-head, it will become necessary to sell his field and divide the proceeds, or to cut it up. In the latter case, attachment to the property and love for the country are destroyed in their elements. In the first case, great estates are created, which are as injurious as the small ones. For when all the fortunes get into a small number of hands, a large number of citizens become indifferent to public matters, and are scarcely to be regarded longer as citizens. All laws should, therefore, give to property that security which provides against the two inconveniences to which I have referred. The right of devise given by the Roman law to fathers of families is a necessary consequence of that paternal authority which you would doubtless not wish to destroy. It was by this faculty that they were enabled to regulate their families, and obtain from them proper respect.” (*Assemblée Nationale*, Séance de 5 Avril, 1791; *Moniteur*.)

4. *Opinion of Prugnon.*

"It is a truth as clear as the light of day, that the father is the first magistrate of his family; that this magistracy, as old as the world, and upon which the thought dwells with so much delight, should be moderately armed by law to punish or to recompense. It is doubtless unnecessary to call in the aid of the axe and lictors to carry out this purpose, but to have some power to restrain within proper limits those sons who are disposed to go astray, or allow some compensation to the one who has watched over and consoled his old age when other children have shown neglect. No danger is attached to this power, because paternal love is not only the deepest and most delicious sentiment of nature, but because the father loves himself in his sons, and it is generally the case with children that the attachment of hope is stronger than that of gratitude. Let him give whilst he is living, is often said, and I freely confess that the truest liberality consists in giving during life. But more than one father finds himself too much restricted by his narrow means to subject himself to privations; would you, in such a case, deprive him of the right to be liberal and just, entirely because he is not rich? More than once, experience has taught old men that they may be a little neglected after they have given away everything, and they are generally full of this idea. Thus, to take from a father the right to make a will, is to deprive him of the most precious prerogative and the most beneficial of usages, since it evidently reduces paternal authority; and a law which would rob him of this right would be opposed by the authority of universal reason, established during forty centuries. For it was Solon who introduced the practice of making wills in Athens, though surely it was not he who first invented them." (National Assembly, sitting of April 6th, 1791. *Moniteur*.)

5. *Opinion of Curée.*

"The discussion was upon the subject of the right of testament.

"Curée, in combating this project, took exceptions to the authority of Mirabeau, and called his speech against the right of testament a veritable testament *ab irato*. Taken in

a rigorous sense, the principle advocated by the illustrious orator would totally annihilate all right to make a will. Mirabeau has been governed by the supposition that society is filled with unjust fathers. Nature protests against such a supposition; experience refutes it, and law should not uphold it.

"The right of citizens to devise their property is not only contested, but it is proposed to make paternity a title for incapacity! The abuse which reigns at the present moment is revolting to the natural affections. The law of Nivose, which is invoked, is not executed, but evaded. The evil is still greater than the enemies of the project suspect. It is necessary to put a stop to such an order of things. This can only be done by appeals to filial affection, and to secure this, fathers should be allowed some means to punish ingratitude and desertion." (Tribunat, Séance du 2 Germinal, an VIII. *Moniteur*, p. 766.)

6. *Opinion of Portalis.*

"The question to be examined is not, what is most in conformity with natural law, but what is most beneficial to society. Under this point of view, the right of testament in the hands of the father is not, as it has been said, a measure entirely penal, but also a means of bestowing recompense. It places children between hope and fear, that is to say, between those sentiments which exercise much more control over men than can be effected by metaphysical arguments. The right of testament gives to the father the privilege of dividing his property among his children in proportion to their necessities. And it must be observed that this right is beneficial to society. For the father, in giving less to his sons engaged in lucrative business, reserves a larger portion for those whose talents call them to fill positions advantageous to the public, but unfavorable to their fortunes.

"Wherever the father is the legislator of his family, society finds itself relieved from a part of its solicitude. Let no one say that this is an aristocratic privilege. It is so well founded on reason, that it is in the inferior classes that the authority of the father is most necessary. A laborer, for example, has had a first-born son, who has been edu-

cated and made the companion of his labors. The children born afterwards, being less necessary to the father, have spread themselves in the cities and there pushed their fortunes. When this father dies, would it be just that the eldest should divide equally the field improved by his labors with brothers who have become richer than himself?" (*Discussion of the Code Napoleon in the Council of State.*) Compare this with the opinion which has prevailed in Savoy since its annexation (H).

7. *Opinion of Benjamin Constant.*

"Our ancient regime did not confer upon fathers the option of establishing his eldest son as his heir; on the contrary, it was the right of the eldest son which denaturalized and took precedence of the father's will. If, under pretext of setting up against privileges an insurmountable barrier, you refuse fathers the legitimate liberty of recompensing filial fidelity and punishing disobedience, the least intelligent fathers will think you have done them injustice. And do you believe they will ever be satisfied until their privileges are restored to them? You would have inspired them with horror if your wise laws had carefully and completely separated the subjects. But it has been your wish to restore vexatious laws and confused interdictions.

"It is, therefore, my hatred for feudality which urges me to restore to fathers their rights and legitimate liberties. I do not wish, that, on finding themselves deprived of that sovereignty which nature has delegated to them, seeing themselves shorn of a power the loss of which is, for themselves and their children, one of the greatest misfortunes, they impeach the equality newly introduced. I do not wish that, after having been treated with disdain by their ungrateful sons, abandoned in their last days, descending into their graves in solitude and humiliation, they shall accuse the revolution with being the cause of their paternal grief, the most bitter of all griefs.

"There are other precautions necessary to be taken against the restoration of privileges. Would you proscribe substitutes, *fidei-commis*, and all those scaffolds destined by laws to perpetuate fortunes in the same families, to eternalize the *éclat* of the same names? Such barbarous institu-

tions have nothing in common with the privilege of making a will. There exists no resemblance between the right of recompensing the son who has watched over our old age, and the absurd pretension of giving in advance to persons not yet in existence. There it is where the restoration of privileges shows itself in all its extravagance. This is what should be rigorously interdicted. Nothing is of less consequence to the Republic than the perpetuity of families; nothing is of more importance to morality, and consequently to the Republic, than the dependence of children." (Tribunat, Séance du 29 Ventôse, an VIII. *Archives Parlementaires*, t. i. p. 486.)

8. *Opinion of M. Charles Dunoyer.*

"On the 7th of March, 1793, a decree was issued to prevent citizens from disposing by will of anything they possessed. A little later they were permitted to dispose of one-sixth part, on condition that this should only be in favor of foreigners and not to the advantage of any child. Afterwards, by the law of Germinal, year VIII, it was permitted, according to the number of children one might have, to dispose of a fifth or even a fourth, in favor of any one. Subsequently the Civil Code increased this proportion from a fourth to a third, and even to one-half of the fortune, according to circumstances. From the time of refusing the right to dispose of anything, to the time of permitting, in certain cases, to dispose of everything, there was, during several years, no end to the capricious decisions made in the regulations of this regime." (*De la Liberté du travail*, Paris, 1845.)

9. *Opinion of M. Troplong.*

"Everywhere, and in all countries, civilized or not, the wishes of the father in his last moments impress themselves more strongly upon his children collected around him than all the laws of civil order.

"The right of testament, that right of a mortal to dictate laws which will reach beyond his life, transports us so naturally to the sublime regions which are the sources of law, that Leibnitz derived from it his belief in the immortality of the soul. Testamentary freedom is the triumph of lib-

erty in the civil law. The will, in fact, is altogether linked to the fate of civil liberty. It is checked and contested wherever civil liberty is not well established. It is respected whenever civil liberty provides in society a proper place for it. Property being the legitimate conquest of man over matter, and the will being the strongest form of expressing the liberty of the possessor, it necessarily follows that, so long as civil liberty is maintained in a State, so long is there the right of testamentary freedom. History proves that, whenever civil liberty has been limited or made questionable, property, and consequently the will, are sacrificed to tyrannical combinations. — A people is never free without it possesses the right of testament, and testamentary freedom is one of the strongest proofs of its civil liberty." (*Traité des donations entre-vifs et des testaments*; 4 vol., 1865.)

10. *Opinion of M. Pinart.*

"This twofold blow inflicted upon the family, in the extreme subdivision of the patrimony, tends greatly to weaken authority.

"Subdivision of the patrimony, at the commencement of our economical regime, gave rise to an increase of our agricultural prosperity; but to-day, in all degrees of the social scale, it has universally passed beyond the measure of good which it was intended to accomplish, and has become a danger which is aggravated in each successive generation.

"Among the higher classes, in the breasts of whose families, under all political forms, the best national traditions should be treasured, — the inheritance is divided, or publicly sold at each death. With the division which breaks it into fragments, or the public sale which delivers it into strange hands, to be soon afterwards again divided, all former relations between the proprietor and tenant cease, and the mild but strong liens which subsisted between them vanish. Absenteeism becomes a law, instead of remaining an exception. The rich withdraw themselves from the poor, the proprietor from his colony. All become separated in habits as well as in interests; and the opposition of ranks foment envy among inferiors, threats and danger in the higher classes, which become aggravated to serious proportions." (*Speech before cited, K.*)

11. *Opinion of the Duke de Persigny.*

" In the heat of the contest, in the midst of all its violences, has not the revolution, in taking precautions against the privileges which it designed to destroy, transcended its own doctrines, and turned against the society newly constituted, the arms destined to combat the ancient social order? In shackling the liberty of the father of the family, in weakening his authority by so absolute an intervention of the law of compulsory division of his property among his children, has it not gone beyond the object which it proposed to attain?

" This is not the place or the occasion to discuss a subject which so seriously interests our social condition. But it is impossible to avoid being struck by the present tendency of minds to subject to a new examination a state of things which seems to be irrevocably added to the domain of the revolution. Testamentary liberty, has it not, in fact, become a subject of most serious attention? Have we not lately seen the attention of legal authorities, eminent publicists, and even an important fraction of the Legislative Corps, impressed by a sense of the consequences depending upon our law of successions?" (*Moniteur*, September 4th, 1866.)

12. *Opinion of M. E. About.*

" The same individual in whom we all recognize, up to his last hour, the right to dispose of, denaturalize, and even to destroy all his property, is not at liberty to dispose of this by will. As soon as he becomes a father, it is the law which becomes his testator, charged with dividing his fortune into equal parts, except a small portion graciously left at his own disposal. This law, inspired by a blind love of equality, is a perpetual encroachment upon individual liberty and paternal authority. It does not allow the head of a family to disinherit the son who has offended or dishonored him. It establishes a birth-right in every child, over the fortune of its living parent. It reduces the father to the condition of a usufructuary, under the surveillance of his own family. It obliges him to fraudulently denaturalize his property, should he wish to dispose of it according to his own wish, and in conformity with his natural

right. It is a law which, in a moral point of view, stands condemned.

"Let us consider the effects which it has produced upon French society in half a century. It has forced even to absurdity the division of properties. It has devoured by lawsuits and expenses in the courts, a large portion of the capital acquired, and since the moment when it was first put in operation, it has perhaps accomplished the ruin of a million fortunes. The father establishes a business, and dies. All is sold and divided. The house no longer remains to its master. A son endowed with talent and courage, with his small share of the paternal property, establishes another house, is successful, becomes almost wealthy, and then dies. A new division, a fresh destruction takes place. All has to be done over again, with fresh expenditures — a true labor of the Danaïdes. Agriculture suffers, commerce suffers, common sense blushes.

"It is but too evident that the father does not owe his fortune to his sons; he owes them their education and means of subsistence. Whoever gives existence to a child is under an implicit engagement to bring it up until of sufficient age to maintain itself by its own labor. But that is all, and reason will never decide that a man worth four millions, and father of four children, is debtor to the amount of 750,000 francs to the blackguard who has shown his respect for him by marrying his cook." (*Le Progrès*; 1 vol. Oct., 1864, p. 295.)

13. *Opinion of M. Legouvé.*

"Children, that is to say, youngsters of about the age of seventeen, quarrel with their father, and show no deference for his age or his superiority. These little masters take it upon themselves to decide all questions, political, metaphysical, and even atheistical, in case of necessity. These lazy young striplings imperiously demand their shares of the paternal property, to enable them to gratify their tastes or their passions, and say plainly to their father, You have done well in working so hard to enable us to live and do nothing!" (*Les Pères et les Enfants au XIX. Siècle*, p. 3.)

This author does not, however, favor a complete restoration of testamentary liberty. He expresses the opinion that this liberty should be re-established only in regard to

property which the owner has created by his own labor. According to his system, the present regime should be preserved where the property has been acquired by inheritance.

14. *Opinion of forty-one Deputies of the Corps Legislatif*
(Session of 1865).

"Ballot upon an amendment presented by Messieurs the Baron de Veauce, the Viscount Clary, the Marquis d'Havrincourt, Kolb-Bernard, the Duke de Marmier, etc.; to § 8 of the project of the address, the amendment to which was as follows:

"Perhaps it might be advantageous that your government studied the question, in order to ascertain whether, in the course of the transformation of wealth, and the changes in manners which this has occasioned, our laws of succession should not call for some modifications favorable to the extension of the rights of the father of the family."

"Number voting.....	238
Absolute majority.....	120
For adoption.....	41
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"Those voting for the amendment were Messrs. Ansel, Count d'Arjuzon, Count d'Ayguevives, Bartholoni, Prince de Beauveau (Marc), Bethmont, Count de Boigne, Bourlon, Bucher de Chauvigne, Count Caffarelli, Count de Champagne (Jérôme-Paul), Count de Champagne (Napoleon), de Chiseuil, Viscount Clary, Baron de Cæhorn, Couleaux, de Dalmas, Dollfus (Camille), Duplan, Dupont (Paul), Etcheverry, Geoffroi de Villeneuve, Gillibert des Séguins, Granier de Cassagnac, Viscount de Grouchy, Marquis d'Havrincourt, Henon, Kolb-Bernard, Lambrecht, Count de la Tour, Lubonis, Duke de Marmier, Martel, Paluel, Pissard, Viscount de Plancy, Baron de Reinac, Talabot, Terme, Baron de Veauce, de Wendel." (*Moniteur*, du 6 Avril, 1865, p. 395.)

DOCUMENT M.

DECLARATION OF NAPOLEON III. UPON THE NECESSITY OF
MORAL REFORM.

" . . . It may truly be said, unhappy the one who, in Europe, shall give the first signal of a collision, the consequences of which must be incalculable. This I admit, but, at the same time, as Emperor I have many conquests to make. I desire, in this capacity, to conquer through conciliations all contending parties, and draw into the great popular current all deviating streamlets which exhaust themselves without advantage to any one.

"I wish to conquer for religion, for morality, for comfort, that party still so numerous in the population which, in the midst of a country of faith and religion, are scarcely acquainted with the precepts of Christ ; who, in the midst of the most fertile country in the world, can with difficulty enjoy the products of primary necessity." (*Programme de Bordeaux*, 7 Octobre, 1852.)

"I said at Bordeaux, in 1852, and my opinion remains the same, that I have great conquests to make, but these are in France. Her internal organization, her moral development, the increase of her resources, have yet to make immense progress. This opens a field sufficiently vast to gratify my ambition, and it shall suffice to satisfy it." (*Lettre du 29 Juillet*, 1860.)

"From what is now passing, it may be seen how indispensable it is to establish more firmly those great principles of Christianity which teach virtue for the living, and immortality for the good who die." (Discourse on the 1st of January, 1869, in reply to the wishes expressed by Mons. de Paris.)

DOCUMENT N.

ADVENT OF AN IMPARTIAL LITERATURE FOR THE ANCIENT
REGIME IN DECLINE, AS WELL AS FOR THE PRESENT
ERA OF REVOLUTION.

For a long time there has been no medium between eulogy and censure of the social regime issuing out of the

revolution of 1789. One of the best symptoms of an approaching reform is the advent of a literary school which renders impartial justice to the ancient and to the new régimes. The two following passages, borrowed from two eminent writers having little sympathy for the ancient régime, give some idea of this productive evolution in our literature.

1. *Critique upon the Present Era of the Revolution, by M. E. Renan.*

“I have endeavored to show what might be regarded as superficial and insufficient in the social constitution which emanated from the revolution; the dangers to which France has been exposed by it; the misfortunes to which she has been subjected; the necessity which exists to elevate and enlarge the French mind, to open new horizons to this, and withdraw from it inveterate errors. Always grand, and sometimes sublime, the revolution was an experiment infinitely honorable to the nation which dared to attempt it. But it was an experiment which failed. By preserving but one inequality—that of fortune; by allowing to stand a single giant—the State, with millions of dwarfs; by creating a powerful centre—Paris—in the midst of an intellectual desert—the province; by transforming all social services into administrations; by arresting the development of colonies, and thus closing the only outlet by which modern States can escape the problems of socialism,—the revolution has created a nation, the future of which is most uncertain; a nation in which wealth alone can gain the prize, and where nobility must necessarily decline. A code of laws which seem to have been made for an ideal citizen, born a foundling, and dying in celibacy. A code which gives all during life, and makes children an incumbrance to the father; where all associated and permanent labor is interdicted; where moral unities which are truths, are destroyed at every death; where the provident man who presumes to arrange his most trifling affairs is regarded as an egotist; where man and woman are thrown into the arena of life on the same conditions; where property is not considered as a moral possession, but as the equivalent of enjoyment always attainable by money. Such a code, I say, can only give origin to weakness and to littleness. With their mean conception

of the family and of property, those who, in the last years of the eighteenth century, so sadly liquidated the bankruptcy of the revolution, created a world for pigmies and revolvers. We can never, with impunity, dispense with the aids of philosophy, science, or religion. How can jurists, however able they may be supposed to be; how can men of mediocrity in politics, who through cowardice escaped the massacre of Terror; how can spirits of low culture—as most of those were at the head of France in the last decisive days—how can such as these be expected to solve a problem which no genius has yet been capable of resolving—create artificially and by reflection an atmosphere in which a society could exist and produce all its fruits?" (*Questions contemporaines*. 1 vol. in 8vo. Paris, 1868.)

2. *Error of the Revolution on the subject of Testamentary Liberty*, by M. P. Lanfrey.

"Opinion¹ was less just in regard to a measure of the Consulate relative to the re-establishment of the right of devising property by will, since it was neither desirable nor useful. Unfortunately, the theorists of our revolution were only too much disposed to sacrifice property, with all other individual rights, to the State. The passion of the equalizers, misled by the remembrance of the iniquities associated with feudal property, had made them dream of destruction of all individual property, and they applauded every blow that was struck at it. They were not satisfied with destroying privilege, they made an assault upon law. These prejudices were very violent. The public considered all restrictions placed upon the rights of property as so many conquests made by the revolution, forgetting that in this they were placing so many obstacles in the way of individual liberty, already disarmed and enfeebled by the power of the State. There is an inveterate disposition in France to deprive citizens of their property for the benefit of society, regarding her as the mistress of interests which it is only her chief duty to protect; and the laws which she has seen proper to make for us are to be considered as so many favors she has done for us. To this disposition

¹ That which prevailed in the Tribunat when Benjamin Constant made his speech (L, 7).

of the mind, certain apprehensions are added as motives. The borrowings which the first Consul made from the ancient regime had already given rise to many suspicions. In this new project, an attempt of the same kind was made. Andieux denounced it from the tribune as a disguised attempt to revive the right of the elder son, and of majorats and entails.' He demanded by vote the reading of the discourse which Mirabeau, when dying, had left in manuscript upon this subject; but, as Saint-Jean d'Angély has remarked, this was only a first preparatory draft of his views, written by one of his numerous collaborators, and left unfinished. It is no less true, that these disgraceful personalities might have been avoided.

"In fact, what are the possible abuses of this right of testament, abuses inseparable from all liberty, and which, besides, may be generally presented, when compared with the inconveniences resulting from its excessive limitation, namely, destruction of family spirit, annihilation of paternal authority, periodical ruin of industries subjected to the law of compulsory division, indefinite pulverization of fortunes and of individuals?" (*Histoire de Napoleon I.*, t. ii. p. 128.)

DOCUMENT O.

UPON THE WORK ENTITLED, "LES OUVRIERS EUROPÉENS."

The author there describes in their least details the conditions of thirty-six families of workmen. He insists upon the relations which unite each of these to the superior classes of society; and he deduces from these observations the distinctive characteristics of the principal social constitutions of Europe.

The work comprises three parts, namely: an introduction with an *exposé* of the author's particular method of observation; an appendix containing an epitome of his principal conclusions; an atlas, containing the thirty-six monographs which follow, and which are the subjects most often referred to in his work entitled *Ouvriers Européens*, and also the present book. This reference points out the numbers or the pages in accordance with the following table:

REGIONS IN THE EAST AND NORTH.

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REGIONS OF THE WEST AND SOUTH.

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XVIII. Watchmaker (first type) (Geneva).....	164
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XX. Peasant Farm-laborer (Spain).....	176
XXI. Emigrant Miner of Galicia (Spain).....	182
XXII. London Cutler (England).....	188
XXIII. Sheffield Cutler (England).....	194
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XXV. Founder of Derbyshire (England).....	206
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This work having been placed before the Academy of Sciences of Paris, was submitted for examination to a committee consisting of Messrs. Bienaymé, Boussingault, Ch. Dupin, De Gasparin, and Mathieu. The intelligent reporter M. Ch. Dupin has referred to the plan followed by the author as a model of method; and also expressed the wish that observations made in the same manner were ex-

tended to every country. In the name of the commission, he recommended that the highest premium for statistics, founded by M. de Monthyon, should be bestowed upon the author, and concluded his report in the following words:

"The developments which we have considered it our duty to make, show our opinion of the work placed in our hands by the Academy to report upon its merits. This work is novel, for the points of view it takes, for its ensemble, for its mathematical spirit displayed in the treatment of various contested points, and for the moderation with which the ideas of the author are presented."

The premium for statistics was conferred upon the author in the public sitting of the Academy of Sciences of January 28th, 1856.

DOCUMENT P.

"THE SOCIETY OF SOCIAL ECONOMY IN RELATION TO THE WORK ENTITLED "LES OUVRIERS DES DEUX MONDES."

This Society, constituted without connection with any social or political system, was requested by the Academy of Sciences of Paris to express its views in relation to the work entitled *Les Ouvriers Européens* (O). In doing so, it applied to the comparative studies of the various social constitutions the same method pursued by the author of the work.

The first suggestion of this institution was given in a reunion of savans, consisting of agriculturists and manufacturers, called to Paris by the Universal Exposition of 1855. The Society completed its organization in November, 1856. By a special notice, dated the 1st of January, 1857, it stated the objects it had in view and the means to be employed for their accomplishment. In 1858, it published its first volume, and in 1863 the fourth volume of the *Ouvriers des deux Mondes*. Finally, by order of the Emperor, it has been placed in the class of institutions of public utility, and in this relation authorized to receive gifts and legacies.

The four volumes, to which the present author has made frequent communications, include the following monographs:

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10.	Tinman, Tiler, and Glazier, of Aix-les-Bains (Savoy), by M. F. Le Play.....	9
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18.	Unloader and Breaker of Chalk in the Vicinity of Paris, by M. Châle	447

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19.	Embroiderer of the Vosges (France), by M. Augustin Cochin.	25
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22.	Vine-dresser of Aunis (Charent-Inférieure, France), by T. A. Toussaint	207
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26.	Numerous House-servants of Paris, by Messrs. Courteille and J. Gautier	373

No.	Pages
27. Lead-founder of the Alps (Tuscany, Italy), by M. F. Blanchard	413

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30. Free Mulattoes of the Society Islands (Indian Ocean), by M. L. Simonin.....	159
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For the purpose of guiding its collaborators and giving a uniform direction to their labors, the Economical Society published, in 1862, a document having the following title : "Instruction relative to the Method of Observation called *Monographs of Families*, in accordance with the work entitled, *Les Ouvriers Européens*."

Since 1864, the Society has devoted most of its meetings to discussions upon questions raised by the preceding monographs. It has published a *résumé* of these discussions in a bulletin which, at the end of 1868, already made two quarto volumes.

DOCUMENT Q.

A NEW ORDER OF AWARDS, INSTITUTED AT THE UNIVERSAL EXPOSITION OF 1867, FOR THOSE MANUFACTURING ESTABLISHMENTS MOST NOTED FOR THEIR SUCCESS, STABILITY, AND HARMONY.

In conformity with an imperial decree of June 9th, 1866, a distribution was made of the premiums, honorable notices, and certificates decreed by the international juries, to those establishments and localities which have succeeded best in promoting prosperity, stability, and order, whilst maintaining the six essential usages of Custom (§§ 19 to 25).

The awards were conferred by the Emperor, in the grand ceremony of July 1st, 1867, in the presence of 25,000 persons. They are published in the alphabetical order of the countries.*

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* This order being adapted only to the French language, will, of course, disappear for the most part where the names of countries are rendered into English. (AM. TRANSLATOR.)

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DOCUMENT R.

UPON THE WORK ENTITLED "LA REFORME SOCIALE."

After repeated requests made by persons who are in situations enabling them to co-operate in bringing about reform in our country, the author of this work assumed its editorship in 1858. In it he has grouped, in an analytical

form, the facts collected during his travels, which had not been previously published among the specimens included in *Les Ouvriers Européens* (O).

The first edition, published in 1864, was followed by two others in 1865 and 1868. The work refers to the usages of prosperous nations, as interpreted by the Social Authorities (§ 5), and its object may be summed up in a few words, namely: to point out the conditions of material and moral order in the societies of our own times.

The plan of the work corresponds very nearly with that followed in the present publication. The introduction occupies one chapter. It explains the method followed by our author, and afterwards draws the distinctions between the true and the false, as he has been led to deduce them from comparisons of observed facts, and the opinions of the Social Authorities. Seven chapters treat successively of the principal branches of human activity, and have for their subjects — religion, property, the family, labor, associations, the relations maintained between private life and the government. In each of his chapters, the author has described the manners and institutions which contribute to the success of the most prosperous nations of our times, the causes which led to the partial decline of our country, and which, up to the present time, have prevented the establishment of a reform founded upon the customs prevailing in our epochs of prosperity, or upon present usages held in the highest estimation in the opinion of Europeans. Finally, the conclusion presents a *resumé* of modifications and reforms which require to be successively introduced for the reformation of our manners and institutions.

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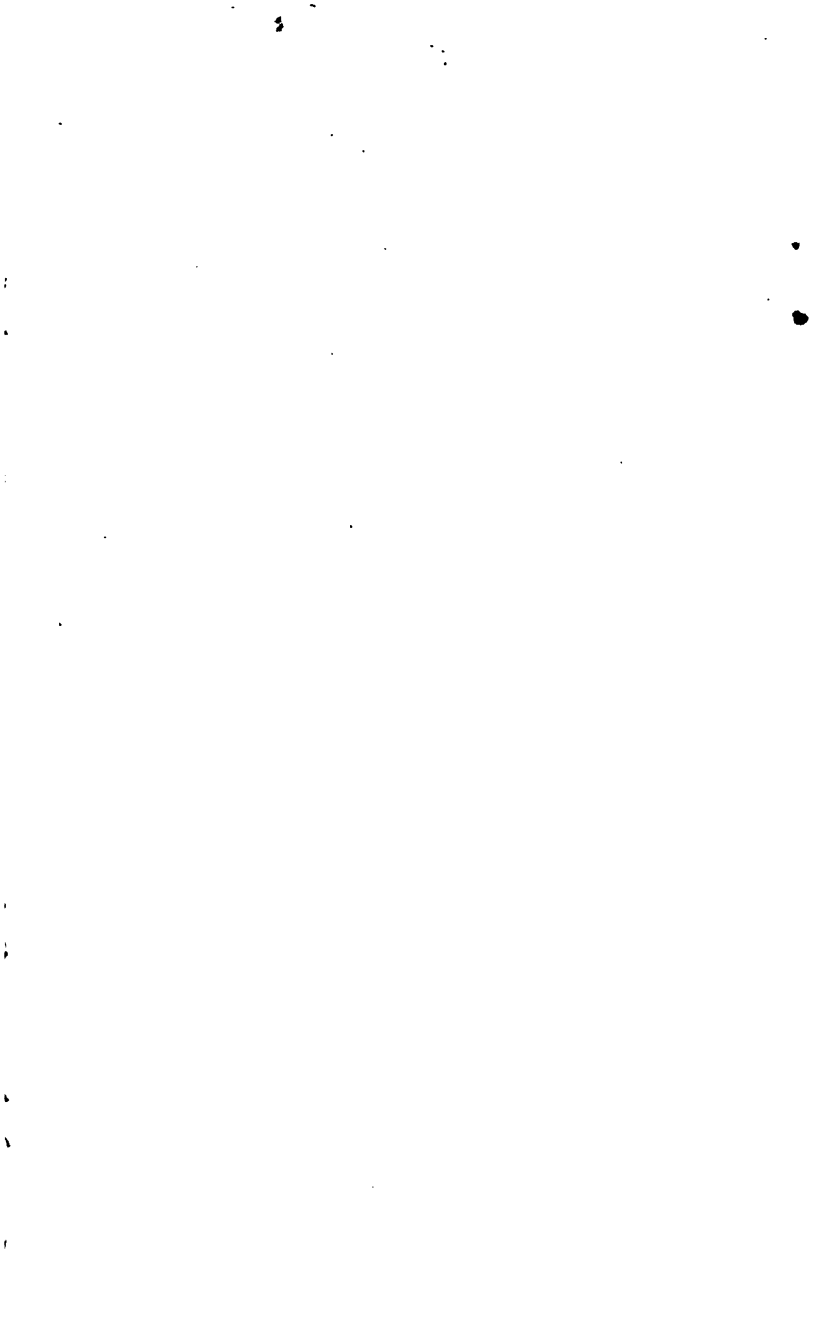
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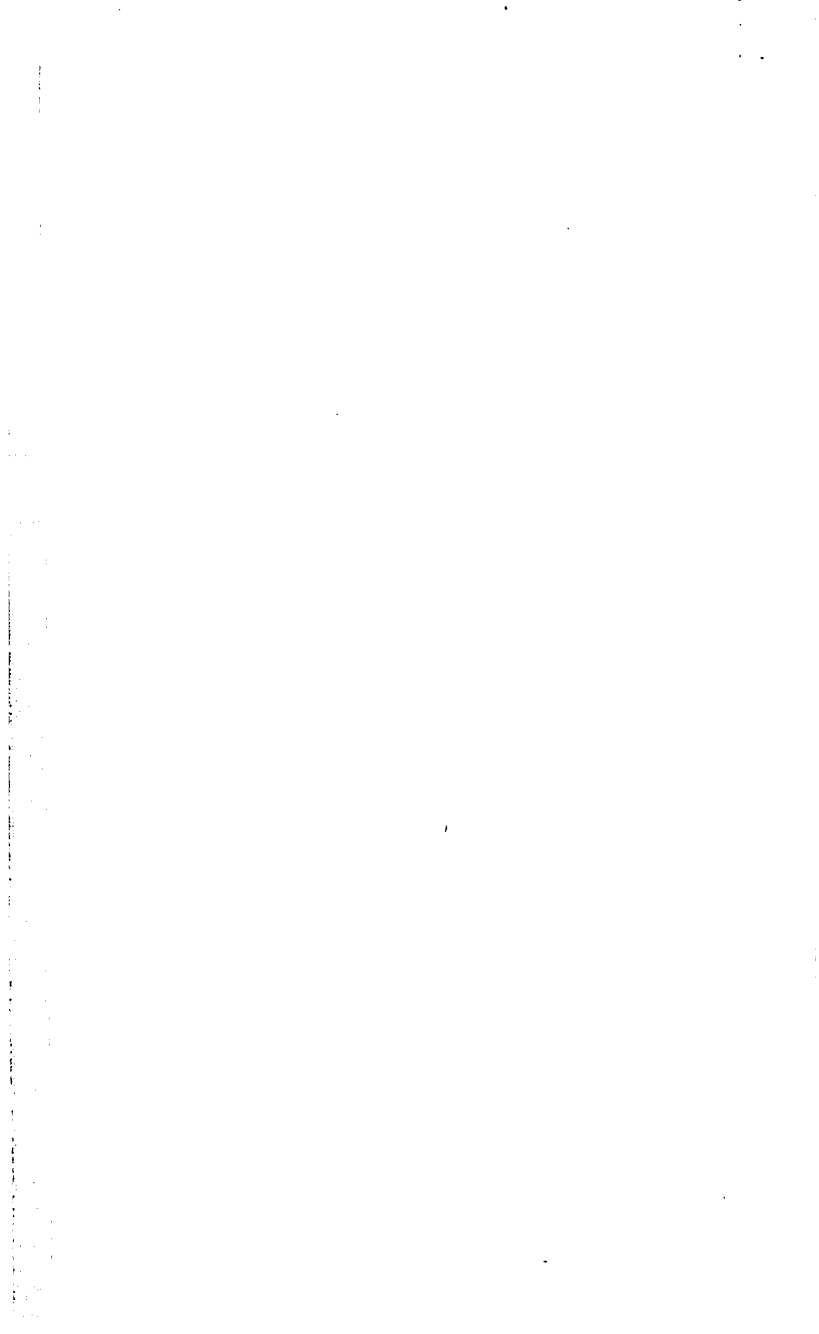
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